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JOURNAL AND DEBATES

OF THE

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CONSTITUTIONAL CONVENTION

OF THE

STATE OF WYOMING.

Begun at the City of Cheyenne on September 2, 1889, and concluded September 30, 1889.

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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION,

STATE OF WYOMING.

FIRST DAY.

HALL OF CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Monday, Sept. 2, 1889.

The delegates elected to the convention to form a constitution for the proposed State of Wyoming met at the Supreme Court room in the Capitol building at Cheyenne, Laramie County, Wyoming, at 12 o'clock noon, and was called to order by Hon. A. B. Conaway, of Sweetwater County.

Mr. Morgan of Laramie County moved that a committee on temporary organization be appointed, to consist of one member from each county.

The motion was carried.

The chairman appointed as said committee:

M. N. Grant of Albany Caunty,
G. C. Smith of Carbon County,
W. C. Irvine of Converse County,
R. H. Scott of Crook County,
D. O. Preston of Fremont County,
C. H. Burritt of Johnson County,
H. E. Teschemacher of Laramie County,
H. A. Coffeen of Sheridan County;
Frank M. Foote of Uinta County,
E. J. Morris of Sweetwater County.

On motion, a recess of 30 minutes was taken.

After recess the committee on temporary organization presented the following report:

HALL OF CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 2, 1889,

Your committee on temporary organization have had the matters referred to them under consideration, and respectfully report as follows:

For temporary president, H. S. Elliott of Johnson County.

For temporary secretary, J. K. Jeffrey of Laramie County.

We also request that Robt. C. Morris report the proceedings of the temporary organization.

M. N. GRANT, Chairman.

D. O. PRESTON, Secretary.

On motion the report of the committee on temporary organization was adopted. Mr. H. S. Elliott of Johnson County then assumed the chair, as temporary chairman, John K. Jeffrey acting as temporary secretary.

It was moved by Mr. Reed of Laramie County that a committee on credentials be appointed to consist of one member from each county.

The motion was carried. The chair appointed as such committee:

Geo. W. Fox of Albany,
George Ferris of Carbon,
M. C. Barrow of Converse,
Meyer Frank of Crook,
H. G. Nickerson of Fremont,
John M. McCandlish of Johnson,
Henry G. Hay of Laramie,
H. A. Coffeen of Sheridan,
H. F. Minough of Sweetwater,
C. W. Holden of Uinta.

Moved by Mr. Grant of Albany that a recess of thirty minutes be taken.

The motion was carried.

At the expiration of the recess, the convention was called to order. President pro tem was in the chair.

The committee on credentials presented the following report:

Gentlemen of the Convention:

We, your committee on credentials find the following persons present, and entitled to seats in this convention:

Albany County; S. W. Downey, Mortimer N. Grant, Melville C. Brown, Wm. E. Chaplin, Geo. W. Fox, John W. Hoyt, A. L. Sutherland, Jno. McGill.

Carbon County: Geo. Ferris, Geo. C. Smith, Chas. L. Vagner, J. A. Casebeer, R. C. Butler, C. W. Burdick.

Crook County: Richard H. Scott, Meyer Frank, Thos. H. Moore, Jos. L. Stotts.

Converse County: W. C. Irvine, M. C. Barrow, DeForest Richards.

Fremont County: D. A. Preston, H .G. Nickerson.

Johnson County: H. S. Elliott, Chas. H. Burritt, Jno. M. McCandlish.

Laramie County: Henry G. Hay, E. S. N. Morgan, Chas. N. Potter, Jno. A. Riner, Anthony C. Campbell, Geo. W. Baxter, Jas. A. Johnston, Caleb P. Organ, Jno. K. Jeffrey, Thos. R. Reed, H. E. Teschemacher.

Sheridan County: H. A. Coffeen, C. Boulware, Wm. N. Robinson.

Uinta County: Clarence D.Clark, Frank M. Foote, Jesse Knight, Chas. W. Holden, Jonathan Jones, Jno. L. Russell.

Sweetwater County: A. B. Conaway, Edward J. Morris, H. E. Menough.

GEO. W. FOX, Chairman.

M. C. BARROW, Secretary.

On motion the report of the committee on credentials was received and adopted, and the committee continued.

Mr. Teschemacher of Laramie moved that the members proceed to select seats.

The motion was carried, and lots were drawn by counties for seating the members.

On motion of Mr. Downey of Albany the roll is now called and the following members answered to their names:

Albany County: Stephen W. Downey, M. N. Grant, Melville C. Brown, Wm. E. Champlin, Geo. W. Fox, John W. Hoyt, A. L. Sutherland, John McGill.

Carbon County: Geo. Ferris, Geo. C. Smith, Chas. L. Vagner, J. A. Casebeer, R. C. Butler, C. W. Burdick.

Crook County: Richard H. Scott, Meyer Frank.

Converse County: W. C. Irvine, M. C. Barrow.

Fremont County: D. A. Preston, H. G. Nickerson.

Johnson County: H. S. Elliott, Chas. H. Burritt John M. McCandlish.

Laramie County: Henry G. Hay, E. S. N. Morgan, Charles N. Potter, John A. Riner, Geo. W. Baxter, James A. Johnston, Caleb P. Organ, John K. Jeffrey, Thomas R. Reed, H. E. Teschemacher.

Sheridan County: H. A. Coffeen.

Sweetwater County: A. B. Conaway, Edward J. Morris, H. E. Menough.

Uinta County: Clarence D. Clark, Frank M. Foote, Jesse Knight, Chas. W. Holden, Johnathan Jones, John L. Russell.

Mr. Fox of Albany presented the following resolution:

Resolved, that the oath to be administered to members of this convention shall be as follows:

You and each of you do solemnly swear, that you will support the constitution of the United States, and that you will honestly and faithfully discharge your duties as members of this convention, called for the purpose of framing a constitution for the proposed State of Wyoming. So help me God.

The resolution was adopted.

It was moved that Justice of the Peace W. P. Carroll, of Cheyenne, be requested to administer the oath of office to the members of this convention.

The motion was carried.

The oath of office was then administered to the following members elect:

Downey, Grant, Brown, Chaplin, Fox, Hoyt, Sutherland, McGill, Ferris, Smith, Vagner, Casebeer, Butler, Burdick, Scott, Frank, Irvine, Barrow, Preston, Nickerson, Elliott, Burritt, McCandlish, Hay, Morgan, Potter, Riner, Baxter, Johnston, Organ, Jeffrey, Reed, Teschemacher, Coffeen, Conaway, Morris, Menough, Clark, Foote, Knight, Holden, Jones, Russell.

It was moved by Hoyt of Albany that a committee to consist of one delegate from each county (to be named by delegation) be appointed to suggest what offices will be necessary and should be created by the permanent organization.

An amendment was offered by Hay of Laramie that the committee be further instructed to suggest ways and means for the payment of salaries of officers and other expenses.

A substitute was offered by Mr. Fox that this convention do now proceed to the election of a permanent president of this convention.

Before a vote was reached Mr. Irvine of Converse moved that the convention adjourn until to-morrow (Tuesday) at 10 o'clock a. m.

Duly seconded and carried.

M. C. BROWN, Pres. Con.
H. S. ELLIOTT, Pres. pro tem.
Attest: JOHN K. JEFFREY, Secretary pro tem.

SECOND DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 3, 1889.

The convention was called to order at 10 o'clock A. M.

The temporary president in the chair. Roll call, 41 members present.

The committee on credentials reported the presence of Mr. Louis J. Palmer, a duly elected member of this convention, from the county of Sweetwater.

Mr. Palmer took the oath of office administered by Justice of Peace W. P. Carroll.

The journal of the previous session was read and approved.

The resolution offered by Mr. Fox, to proceed to the election of a permanent president of this convention, being the unfinished business of the previous session, was taken up and adopted.

On motion of Mr. Brown, a recess of five minutes was ordered.

On reconvening, Mr. Teschemacher moved that the election of president of the convention be by ballot, and that a majority vote should elect. Carried.

On motion of Mr. Chaplin, the chair appointed three tellers: Messrs. Potter, Scott and Preston.

Mr. Downey moved that nominations for president of the convention be made by counties. Adopted.

Albany County, by Mr. Hoyt, presented Melville C. Brown.

Carbon—no nomination.

Converse—no nomination.

Crook—Mr. Scott presented the name of A. B. Conaway.

Fremont—Mr. Preston seconded the nomination of M. C. Brown.

Johnson—Mr. Burritt seconded the nomination of M. C. Brown.

Laramie—no nomination.

Sheridan—Mr. Coffeen seconded the nomination of M. C. Brown.

Sweetwater—no nomination.

Uinta—seconded the nomination of A. B. Conaway.

The ballot resulted as follows:

Brown 24,
Conway 17,
Hoyt 1,
Baxter 1,

The chair thereupon declared that Melville C. Brown had been duly elected president of this convention.

On motion of Mr. Irvine, the election of Mr. Brown was made unanimous by acclamation.

The president pro tem appointed Messrs. Hoyt and Baxter a committee to conduct the president elect to the chair.

On motion of Mr. Riner the convention took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The convention reconvened at two o'clock p. m.

The temporary president in the chair.

On motion of Mr. Downey, the Hon. Delegate in Congress, and the Governor and Secretary of the Territory were invited to seats on the floor.

Anthony C. Campbell of Laramie County appeared an took the oath of office, administered by Justice of the Peace W. P. Carroll.

Messrs. Hoyt and Baxter, select committee, conducted the president elect to the chair, who thereupon delivered an address to the convention.

Prayer by Rev. S. A. Bright.

Mr. Coffeen moved that the President appoint a committee of five, to draft and to present to the convention, as soon as possible, such rules as may be neccessary for the government of this body. Carried.

The president appointed as such committee.

Messrs. Coffeen of Sheridan,
Foote of Uinta,
Campbell of Laramie,
Preston of Fremont,
Burritt of Johnson.

Mr. Baxter presented the following resolution:

Resolved, That the permanent organization of this convention be completed by the election of one secretary, two assistant secretaries, one sergeant-at-arms, one doorkeeper, one chaplain, and two pages. Adopted.

J. K. Jeffrey was chosen secretary by acclamation.

A ballot ordered for the choice of two assistant secretaries resulted in the election of Mrs. B. Recker and H. Glafcke.

O. P. Yelton, on motion of Mr. Teschemacher, was chosen sergeant-at-arms.

J. B. Walsh was elected doorkeeper. Rev. S. A. Bright, chaplain, and Corlett Downey and Fred Post, Jr., were chosen pages by acclamation.

On motion of Mr. Campbell the committee on rules was increased to eleven members, and the president made the following additional appointments on said committee:

Albany, Mr. Chaplin,
Crook, Mr. Frank,
Sweetwater, Mr. Conway,
Converse, Mr. Barrow,
Carbon, Mr. Burdick.

Mr. Hay offered the following resolution, which was adopted:

Resolved, That a committe of five be appointed by the president, to be known as the ways and means commission, whose duty it shall be to fix the compensation of the officers of the convention, and to suggest ways and means for providing the funds to meet the necessary cash expense of the convention.

This to be a temporary committee who shall report as early as possible to the convention.

The president appointed as such committee Messrs. Hay, Fox, Vagner, Nickerson and Clark.

On motion of Mr. Potter, the question of employing an official stenographer was referred to the committee on ways and means.

Mr. Downey moved that the secretary be instructed to procure books and stationery necessary for the transaction of the business of this convention. Adopted.

Mr. Hoyt presented the following resolution:

Resolved, That a committee of five, to be named by the president, be appointed, whose duty it shall be to report at the earliest moment practicable the titles of the standing committees deemed necessary as a means of facilitating the work of drafting a constitution for Wyoming.

The resolution was lost.

Mr. Burritt moved a reconsideration of the resolution appointing a committee on rules. Carried.

On motion of Mr. Hoyt the subject of standing committees was referred to the committee on rules.

Mr. Morgan moved that the members originally named by the president, as the committee on rules, shall constitute the committee on rules. Carried.

On motion of Mr. Riner, the convention adjourned till ten o'clock a. m., Sept. 4th.

M. C. BROWN, Pres. Con.
H. S. ELLIOTT, Pres. pro tem.
Attest: JOHN K. JEFFREY, Secretary.

THIRD DAY.

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 4, 1889.

The convention was called to order at 10 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call.

All absent members were excused on motion of Mr. Clark.

Mr. Burritt, from the committee on rules presented the following report:

To the Constitutional Convention:

Gentlemen:—Your committee appointed to draft "Rules of the Constitutional Convention of the Territory of Wyoming" for submission for your consideration, have attended to that duty and submit herewith a draft of rules, such as your committee believe will facilitate the transaction of business, and we recommend their adoption.

M. C. BROWN, Chairman.
CHARLES H. BURRITT, Secretary.

Rules of the Convention.

1. The president shall take the chair every day precisely at the hour to which the convention shall have adjourned on the preceding day, and shall immediately call the convention to order.

In case the president is absent, or fails from any cause to take the chair, the convention shall appoint a president pro tem.

2. The president shall have general direction of the hall, and shall have the right to name any member to perform the duty of the chair, but such substitute shall not extend beyond adjournment.

3. He shall preserve order and decorum in the proceedings of the convention and in case of any disturbance or disorderly conduct in the galleries or lobby, the president or chairman of the committee of the whole convention shall have the power to cause the same to be cleared.

4. No smoking shall be allowed in the hall while the convention is in session.

5. Reporters for newspapers or stenographers wishing to take down debates may be admitted within the bar of the convention by the president who shall assign such places to them as shall not interfere with the conveniences of the convention.

6. The president shall appoint the following standing committees on business.

No. 1. A committee of five to be known as the committee on preamble and declaration of rights and executive.

No. 2. A committee of ten to be known as the legislative committee.

No. 3. A committee of ten to be known as the committee committee.

No, 4. A committee of seven to be known as the committee on election and right of suffrage, and qualifications to office.

No. 5. A committee of five to be known as the committee on education, public buildings, state institutions, public health, and public morals.

No. 6. A committee of five to be known as the committee on county, city and town organization.

No. 7. A committee of seven to be known as the committee on corporations.

No. 8. A committee of ten to be known as the committee on taxation, revenue and public debt.

No. 9. A committee of five to be known as the committee of printing, publication, accounts and expenses.

No. 10. A committee of seven to be known as the committee on schedule, future amendments, and miscellaneous matters.

No. 11. A committee of five to be known as the committee on irrigation, water rights and mining.

No. 12. A committee of seven to be known as the committee on agriculture, manufactures, commerce, live stock interests and labor.

No. 13. A committee of ten to be known as the committee on boundaries and apportionment.

No. 14. A committee of five to be known as the committee on salaries of public officers, and homestead exemptions.

No. 15. A committee of five to be known as the committee on federal relations, public lands and military affairs.

No. 16. A committee of ten to be known as the committee on railroads and telegraph.

No. 17. A committee of five to be known as the committee on revision and adjustment.

7. All committees shall be appointed by the president, unless it shall be otherwise directed by the convention; in which case they shall be appointed by a vote of the convention.

THE RIGHTS AND DUTIES OF MEMBERS.

8. Members and officers of the convention are required to be constantly in attendance upon the duties of their position, and leave of absence to such will only be granted by vote of the convention or by unanimous consent.

9. Whenever a member is about to speak he shall rise from his seat and respectfully address himself to "Mr. President," and he shall announce the gentleman from the county he represents; if there be more than one member from such county then by adding the name of the member. The member may then speak either from his seat or from the seat of any other member tendered him for the purpose or from the secretary's desk.

10. In all cases the member who shall first rise and address the chair shall speak first but when two or more members shall rise at once, the president shall name the member who shall speak first.

No 11. No member shall speak more than twice on the same subject, without leave of the convention, nor more than once until every member choosing to speak on the question pending shall have spoken, and he shall confine himself to the question under debate and avoid personality.

12. Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave.

13. Any member may ask for the statement of the question which the president may give sitting.

14. Any member may call for a division of the question and the decision of the president as to its divisibility shall be subject to appeal as in questions of order.

15. Every member present when the question is put shall vote unless the convention excuses him, and any member requesting to be excused from voting or desiring to explain his vote may make a brief verbal statement of his reasons for making such a request and the question shall then be taken without further debate. The president shall vote on all questions taken by yeas and nays, and in all elections and decisions called for by the members. And in case of a tie vote the proposition pending shall be lost.

16. While the president or chairman is putting the question or addressing the convention no one shall walk across the

hall; and while a member is speaking no one shall pass between him and the chair. No person or member shall go to or remain at the secretary's table while the yeas and nays are being called or ballots counted except the secretary and his assistants.

17. Any two members shall have the right to demand the yeas and nays upon any question before the result is announced; but if objection is made the demand shall be sustained by one-fifth of the members present; if not sustained any member may upon request have his vote upon the question recorded upon the journal and upon the call for yeas and nays the secretary shall call over the names alphabetically.

18. Any three members have the right to demand a call of the convention but if objection is made the demand shall be sustained by one-fifth of the members present; and upon a call of the convention the names of the members shall be called alphabetically and the absentees noted upon the journal.

19. Any five members have the right to demand the previous question. The previous question shall be put in this form: "Shall the main question now be put?" and, until decided, shall preclude all debate and all amendments and motions, except one motion to adjourn and one motion to lay on the table. All incidental questions or questions of order arising after a motion is made for the previous question and pending such motion shall be decided whether on appeal or otherwise without debate.

20. On motion for the previous question and prior to voting on same a call of the convention shall be in order, but after the demand for the previous question shall have been sustained, no call shall be in order, and the convention shall be brought to an immediate vote, first, upon the pending amendment in the inverse order of their age and then upon the main question.

21. If a call for the previous question be not sustained the subject under consideration shall not thereby be postponed.

ORDER OF BUSINESS FOR THE DAY.

22. As soon as the convention is called to order, prayer may be offered. The roll shall then be called and absentees noted, and a quorum being present the journal of the preceding day shall be read by the secretary ,and if necessary, corrected by the convention.

23. A majority of the members of the convention shall be necessary to constitute a quorum to do business and a majority of those voting shall be sufficient to decide pending questions.

24. As soon as the journal is read and corrected, as aforesaid, the president shall call for presentation of petitions and memorials.

Reports of standing committees.

Reports of select committees.
Final readings.

The above business shall be disposed of in the order in which it is arranged and shall not be in order at any other time.

25. Every petition and memorial shall be referred on motion without putting the question for that purpose unless the reference is objected to by a member, at the time of its presentation. No petition or memorial or other matter shall be printed without the special order of the convention.

26. Communications from the executive department of the territory may be received, read and disposed of at any time except when the president is putting the question, while the yeas and nays are being called, or while ballots are being counted.

27. An interim between any two sessions of the convention on the same day shall be called a recess; and on re-assembling at the appointed hour any question pending at the time of taking such recess shall be resumed without motion to that effect.

MOTIONS AND QUESTIONS.

28. Every motion shall be reduced to writing if the president shall require it.

29. When a motion is made and seconded, it shall be stated by the president; or, being in writing, it shall be read audibly to the convention by the mover or the secretary before debate.

30. After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the convention, but it may be withdrawn by leave of the convention at any time before decision or amendment.

31. All questions in committee or convention except privileged questions shall be put in the order in which they are made except in filling blanks, the largest sum or number and longest time shall be put first.

32. When a question is under debate no motion shall be received but to adjourn, to take a recess, to proceed to the orders of the day, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, to postpone indefinitely; which several motions shall have precedence of each other in the order in which they are arranged.

33. When a motion is made to commit to committee of the whole convention or to a standing committee, it shall not be in order to amend such motion by substituting any other committee, but if any committee shall be suggested the motion shall first be put upon the committee first named and afterwards upon the committee or committees suggested in the order in which they are named; but a motion to refer to a committee of the whole convention, to a standing committee or to

a select committee shall have precedence in the order here named.

34. A motion to postpone to a day certain or indefinitely being decided shall not again be allowed at the same stage of the proposition.

35. A motion to adjourn shall always be in order but being negatived shall not again be entertained until some motion, call or order shall take place.

36. The following questions shall be decided without debate, to-wit: To adjourn, to take recess, to take from the table, to go into committee of the whole on the orders of the day.

AMENDMENTS.

37. No motion or proposition differing from that under consideration shall be admitted under color of amendment.

38. A motion to strike out and insert shall be deemed divisible and a motion to strike out on a division being negatived, or a motion to insert being decided in the affirmative, shall be equivalent to agreeing to a matter, in that form, but shall not preclude further amendment, provided that substitutes for the pending propositions, shall, for the purpose of amendments, be treated as original propositions.

RECONSIDERATIONS.

39. A motion to reconsider must be made by a member voting with the prevailing side, and such motion to be in order must be within the next day of actual session of the convention after such vote was taken, and the same shall take precedence of all motions except a motion to adjourn.

QUESTIONS OF ORDER.

40. If any member in speaking or otherwise, shall transgress the rules of the convention, the president shall, or any member of the convention may, call him to order, and the member called to order shall take his seat, if required to do so by the president, until the question of order is decided.

41. The president shall decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the convention, except the member appealing, who may speak twice; and the president may speak in reference to any other member.

42. If the division be in favor of the member called to order, he shall be at liberty to proceed; if otherwise he shall not be permitted to proceed, in case any member object, without the leave of the convention.

43. If a member call another to order for words spoken in debate, he shall, if required by the president, reduce to writing the language used by the member which he deemed out of order.

OF COMMITTEES.

44. It shall be in order for the committee on revision and adjustment to report at any time when the convention is not otherwise engaged.

45. All reports of the committees shall be signed by the members thereof who concur therein, and the report, with the name of the member or members singing the same, shall be read by the secretary, or from the secretary's desk by the member making the report, without a motion, unless the reading be dispensed with by the convention. Where the report is unanimous it may be signed by the chairman alone.

46. No committee shall sit during the daily sessions of the convention unless by special leave.

COMMITTEE OF THE WHOLE

47. When the committee shall be ready to proceed with the orders of the day, a motion to go into committee of the whole on orders of the day, shall have precedence over all other motions, except to adjourn, to take a recess or for the previous question.

48. In forming a committee of the whole convention the president shall leave the chair and appoint a chairman who shall preside and vote as other members.

49. In committee of the whole, propositions shall be read by the chairman and considered item by item unless otherwise directed by the committee, leaving the preamble, if any, last to be considered. The body of the proposition shall not be defaced or interlined, but amendments shall be noted by the chairman or secretary upon a separate piece of paper, as the same shall be agreed to by the committee and so reported to the convention. After being reported the propositions with the amendments thereto by the committee of the whole shall be immediately taken up for consideration unless it shall be otherwise ordered by the convention, and again be subject to discussion or amendment before the question to engross for final reading shall be taken.

50. The rules for proceeding in the committee of the whole shall be the same as in the convention so far as may be applicable.

51. All reports of the committees containing matters to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention such matters to be incorporated shall be laid upon the table and (when so ordered) be printed and when printed (if so ordered) shall be placed upon the calender to be considered in the committee of the whole convention, and if not ordered printed they shall be immediately placed upon the calender to be considered by the committee of the whole.

52. When such propositions shall have been considered in the committee of the whole and amendments thereto have been disposed of by the convention, the question shall be on ordering the final reading and fixing the time thereof.

53. So soon as any entire proposition for incorporation in the constitution shall have been disposed of, such proposition if agreed to by the convention shall be referred to the committee on revision and adjustment, to be by that committee embodied in the constitution. The committee shall have full power to revise the language used in the various propositions and to arrange the same so as to be clearly expressive of the sense of the convention and to make the instrument complete and consistent within itself.

54. The committee on revision having completed its revision as provided in the preceding rule, shall report the article or articles of the constitution to the convention, when it shall be fully read, and when it is thus read, the question shall be on the article or articles so revised and amended, and if the same shall be decided in the affirmative the constitution as a whole shall be carefully enrolled under the supervision of the committee on revision and adjustment and signed by the president and members of the convention.

55. The final vote agreeing to each proposition and upon agreeing to the instrument as a whole shall be taken by the yeas and nays, and no such proposition shall be considered as agreed to, nor the instrument as a whole except a majority of the delegates present vote therefor.

RESOLUTIONS.

56. Resolutions giving rise to debate shall lie over one day before being acted upon, if upon their introduction any member shall give notice of a desire to discuss the propositions therein contained.

57. No compensation shall be voted to any officer, employee, or appointee of the convention other than fixed originally by resolution; and this rule shall not be altered or suspended except on three days' notice and by a two-thirds vote of the members elected to the convention.

CALENDER.

58. The calender of each successive day's business shall be prepared by the secretary and six copies printed or written and one copy laid upon each table and one copy laid upon the president's table every morning. Upon each calender all propositions for final readings and all special orders shall be placed in order of priority in which the order is made. Propostions for final reading on a particular day not reached on that day shall be placed upon the calender in order of final reading, each succeeding day until disposed of. No proposition found

upon the calender shall be taken up and read by the secretary out of its order thereon except by direction of the convention.

ON RULES OF THE CONVENTION.

59. These rules shall not be altered except after at least one day's notice of the intended alteration, and then only by a majority vote of the members of the convention, and no rule shall be suspended except by two-thirds of those present.

60. Cushing's Manual and Law of Legislative Assemblies shall be received as authority in all cases not provided for in the foregoing rules.

Upon motion of Mr. Potter, the convention resolved itself into committee of the whole for the consideration of the report of the committee on rules.

Mr. Smith in the chair.

When the committee arose it reported as follows:

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 4, 1889.

Mr. President:—Your committee of the whole having had under consideration the report of the committee on rules, beg leave to report progress and ask leave to sit again.

G. C. SMITH,
Chairman.

On motion the report was adopted. The convention then on motion of Mr. Riner stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention convened at two o'clock p. m.

Mr. President in the chair.

On motion of Mr. Morgan the convention went into committee of the whole for the consideration of the report of the committee on rules.

Mr. Smith in the chair.

When the committee arose it made the following report, which was adopted:

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 4, 1889.

Mr. President:—Your committee of the whole having had under consideration the report of the committee on rules, beg leave to recommend that said rules be adopted with the following amendments:

Amend Sec. 6. Subdivision by striking out the words "an executive" also add a new committee, to be known as the "committee on the executive department," said committee to consist of seven members.

Amend Subdivision 6, by striking out the word "five" and inserting the word "seven."

Amend Subdivision eleven (11) by striking out the word "five" and inserting the word "seven," by striking out the words "and mining" and by adding the word "agriculture" preceding the word "irrigation."

Amend Subdivision 12 by striking out the word "agriculture."

Amend Subdvision 14 by striking out the words "and homestead exemptions."

Amend Sec. 6 by adding a committee on mines and mining to consist of five members.

GEO. C. SMITH, Chairman.

On motion of Mr. Morgan, the rules, as amended by the committee of the whole, were referred to the committee on rules.

The convention thereupon took a recess of twenty minutes.

After reconvening, Mr. Burritt, from the committee on rules, presented the following report:

Committee Room, Capitol Building,
Cheyenne, Wyo., Sept. 4, 1889.

To the Constitutional Convention of Wyoming Territory:

Your committee on rules to whom was reported Rule No. 6, for reclassification and rearrangemtnt of the committees in accordance with the expressed wishes of the convention report back a substitute for said Rule No. 6 (hereto attached) embodying the amendments and changes suggested by the convention.

M. C. BROWN, Chairman.

CHAS. H. BURRITT, Secretary.

6. The president shall appoint the following standing committees on business:

No. 1. A committee of five to be known as the committee on preamble and declaration of rights.

No. 2. A committee of ten to be known as the committee on legislative department.

No. 4. A committee of ten to be known as the committee on judiciary.

No. 5. A committee of five to be known as the committee on elections, right of suffrage, and qualifications to office.

No. 6. A committee of ten to be known as the committee on boundaries and apportionment.

No. 7. A committee of five to be known as the committee on education, public buildings, state institutions, public health and public morals.

No. 8. A committee of seven to be known as the committee on agriculture, irrigation and water rights.

No. 9. A committee of five to be known as the committee on mines and mining.

No.10. A committee of seven to be known as the committee on manufactures, commerce, live stock interests and labor.

No. 11. A committee of ten to be known as the committee on taxation, revenue and public debt.

No. 12. A committee of five to be known as the committee on county, city and town organizations.

No. 13. A committee of seven to be known as the committee on corporations.

No. 14. A committee of ten to be known as the committee on railroads and telegraphs.

No. 15. A committee of five to be known as the committee on salaries of public officers.

No. 16. A committee of five to be known as the committee on federal relations, public land and military affairs.

No. 17. A committee of five to be known as the committee on printing, publication, accounts and expenses.

No. 18. A committee of seven to be known as the committee on schedule, future amendments and miscellaneous matters.

No. 19. A committee of five to be known as the committee of revision and adjustment.

On motion of Mr. Grant the above report was adopted and the committee on rules discharged.

Mr. Riner moved the adoption of the rules as the rules to govern this convention. Carried.

Mr. Coffeen of Sheridan county stated that he was instructed by the mass convention of Sheridan county that elected him to this convention, to oppose the formation of a state constitution at this time, by this convention, and announced that he was ready to second any motion to that effect if any member of the convention would make such motion, he having no colleague from his own county to aid him in this move.

On motion of Mr. Fox, the secretary was instructed to procure 100 printed copies of the rules.

The president presented the following communication from Mr. E. A. Slack:

OFFICE OF THE CHEYENNE DAILY SUN,
Cheyenne, Wyo., Sept. 4, 1889.

Hon. M. C. Brown, President Constitutional Convention:

Sir: The "Sun" from the initiation of the question of statehood, for Wyoming, has been active in its advocacy of such measures as would speedily insure Wyoming's admission as a state.

It is anxious in any way in its power to promote the objects of the convention.

The "Sun" will furnish materials and do any or all printing that may be desired by the convention, on bids or estimates as may be agreed upon, trusting to compensation therefor to be hereafter provided by the legislature of the territory or the congress of the United States.

Very respectfully,
E. A. SLACK, Publisher Daily Sun.

On motion of Mr. Hay the secretary was instructed to get the rules printed at the office of the Cheyenne Daily Sun.

Mr. Nickerson, from the committee on ways and means made the following report:

Mr. President:

Your committee on ways and means having considered the matter referred to them, beg leave to report:

That they recommended that the various officers of this convention receive the same compensation that like officers of the Tenth Legislative Assembly received, depending upon the United States or the next legislature to pay the same, and that the president and secretary be authorized to issue certificates to said officers.

Your committee estimate that the cash expense for books, printing and other incidental expense ought not to exceed $500, and that we have under consideration means of defraying such expense, as well as to employ a stenographer at $10 per day.

We herewith submit a proposition of Miss Louisa S. Smith, stenographer, and recommend that she be employed.

Your committee feel confident that arrangements can soon be made to raise the necessary funds to defray these expenses and ask for further time to report.

H. G. HAY, Chairman.
H. G. NICKERSON, Secretary.

Cheyenne, Wyoming, Sept. 4th, 1889.

Henry G. Hay, Chairman, Cheyenne, Wyoming.

Dear Sir:—I hereby offer to report the proceedings of the constitutional convention at the rate of ten dollars per diem.

Yours Respectfully,
LOUISE S. SMITH.

The report, on motion of Mr. Irvine, was received and further time granted.

Mr. Potter moved that Miss Smith be employed as official stenographer, in accordance with the report of the committee on ways and means.

Pending this motion, the convention, on the motion of Mr. Riner, adjourned until ten o'clock, a. m., Sept. 5th.

M. C. BROWN, President Convention.

Attest:

JOHN K. JEFFREY, Secretary.

FOURTH DAY.

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 5, 1889.

The convention asembled at ten o'clock a. m.

In the absence of the president, Mr. Riner was chosen president pro tem. and took the chair.

Roll call—Forty members present.

Prayer by the chaplain.

Journal of the two previous sesions were read and approved.

The committee on credentials reported the presence of Mr. N. Baldwin, a duly elected delegate to this convention from the County of Fremont.

On motion of Mr. Grant the report was adopted, and Mr. Baldwin was sworn in by Justice of the Peace W. P. Carroll.

On motion of Mr. Fox the oath of office was then administered by Justice Carroll to Assistant Secretaries Mrs. B. Recker and H. Glafcke, Sergeant-at-arms O. P. Yelton and Doorkeeper J. B. Walsh.

On motion of Mr. Teschemacher the convention took up the motion to employ an official stenographer.

Mr. Chaplin moved that we do not employ an official stenographer.

Mr. Teschemacher offered an amendment that we do employ an official stenographer.

Mr. McCandlish called for the yeas and nays on this question.

The amendment was adopted by the following vote:

Ayes—Messrs. Baxter, Burdick, Burritt, Butler, Campbell, Casebeer, Coffeen, Conaway, Davis, Elliott, Ferris, Foote, Fox, Frank, Hay, Holden, Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Reed, Riner, Russell, Scott and Teschemacher.—33.

Nays—Messrs. Baldwin, Barrow, Chaplin, Menough, Sutherland.—5.

Absent and not voting—Messrs. Clark, Davis, Downing, Grant, Hopkins, Hoyt, Knight, McGill, Smith, Vagner, and Mr. President.—11.

Thereupon the president pro tem announced that the convention had adopted the amendment of Mr. Teschemacher.

The original motion, as amended, was then adopted.

Mr. Chaplin moved that Miss Louise S. Smith be appointed official stenographer.

Mr. Baxter moved to amend by referring the matter to the committee on ways and means, with power to act.

The amendment was adopted.

On motion of Mr. Teschemacher the privileges of the floor were extended to the Governor and Secretary of the Territory, Delegate in Congress, Judges of the Supreme Court and Ex-Secretary Shannon.

The convention then stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention re-assembled at two o'clock p. m.

The president in the chair.

The president announced the following standing committees:

STANDING COMMITTEES.

Committee No. 1. Preamble and Declaration of Rights: George W. Baxter, S. W. Downey, C. D. Clark, N. Baldwin and Mark Hopkins.

Committee No. 2. Legislative Department: E. S. N. Morgan, W. E. Chaplin, H. S. Elliott, D. A. Preston, R. C. Butler, H. A. Coffeen, DeF. Richards, T. H. Moore, M. Hopkins, C. W. Holden.

Committee No. 3. Executive Department: Jesse Knight, John A. Riner, A. L. Sutherland, J. C. Davis, Thomas R. Reed, Chas. Vagner, T. H. Moore.

Committee No. 4. Judiciary: A. B. Conaway, C. N. Potter, C. D. Clark, S. W. Downey, A. C. Campbell, D. A. Preston, H. S. Elliott, G. C. Smith, R. H. Scott and F. H. Harvey.

Committee No. 5. Elections, Rights of Suffrage and Qualifications to Office: J. K. Jeffrey, John W. Hoyt, H. E. Teschemacher, C. H. Burritt, G. C. Smith, H. A. Coffeen, R. H. Scott.

Committee No. 6. Boundaries and Apportionment: M. C. Barrow, Joseph L. Stotts, J. A. Casebeer, John McGill, John M. McCandlish, H. E. Teschemacher, E. J. Morris, F. M. Foote, N. Baldwin, H. A. Coffeen.

Committee No. 7. Education, Public Buildings, Public Health and Public Morals: John W. Hoyt, C. N. Potter, A. B. Conaway, E. S. N. Morgan, C. D. Clark.

Committee No. 8. Agriculture, Irrigation and Water Rights: J. A. Johnston, C. W. Burdick, W. C. Irvine, A. L. Sutherland, C. W. Holden, N. Baldwin, C. H. Burritt.

Committee No. 9. Mines and Mining: John L. Russell, G. W. Fox, L. J. Palmer, H. G. Nickerson, C. Vagner.

Committee No. 10. Manufactures, Commerce, Live Stock Interests and Labor: Geo. Ferris, John McGill, T. R. Reed, H. G. Nickerson, C. P. Organ, E. J. Moris, Jonathan Jones.

Committee No. 11. Taxation, Revenue and Public Debts: M. N. Grant, J. C. Davis, DeForest Richards, H. S. Elliott, H. G. Hay, D. A. Preston, H. E. Menough, Jesse Knight, H. A. Coffeen, Meyer Frank.

Committee No. 12. County, City and Town Organization: C. H. Burritt, Geo. W. Fox, A. C. Campbell, J. A. Riner, Jonathan Jones.

Committee No. 13. Corporations: H. A. Coffeen, C. N. Potter, F. M. Foote, C. W. Burdick, Geo. W. Baxter, S. W. Downey, John L. Russell.

Committee No. 14. Railroads and Telegraphs: G. C. Smith, J. A. Riner, M. N. Grant, M. C. Barrow, J. M. McCandlish, H. G. Nickerson, A. B. Conaway, Jesse Knight, H. A. Coffeen, Meyer Frank.

Committee No. 15. Salaries of Public Officers: F. M. Foote, H. G. Hay, H. F. Menough, N. Baldwin, J. M. McCandlish.

Committee No. 16. Federal Relations, Public Lands, and Military Affairs: H. G. Nickerson, C. P. Organ, R. C. Butler, H. F. Menough, G. W. Fox.

Committee No. 17. Printing, Publication, Accounts, and Expenses: R. H. Scott, W. E. Chaplin, J. A. Casebeer, M. C. Barrow, H. G. Hay.

Committee No. 18. Schedule, Future Amendments and Miscellaneous Matters: L. J. Palmer, J. K. Jeffrey, F. H. Harvey, R. C. Butler, W. C. Irvine, J. L. Stotts, A. L. Sutherland.

Committee No. 19. Revision and Adjustment: H. E. Teschemacher, A. C. Campbell, C. D. Clark, J. A. Casebeer and J. W. Hoyt.

Mr. Hay moved that the list of standing committees be printed with the rules. Carried.

The president presented the following communication from his Excellency, the Governor of the Territory:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., Sept. 5, 1889.

Hon. M. C. Brown,
President Constitutional Convention,
Cheyenne, Wyo.

Sir:—I have the honor to enclose you herein for the information of the members of the Constitutional Convention, copy of a letter recently received with relation to contemplated visit to Wyoming of the United States Senate Committee on Arid Lands and Irrigation.

Very Respectfully,
FRANCIS E. WARREN,
Governor.

San Francisco, Cala., Aug. 29, 1889.
Hon. Francis E. Warren,
Governor of Wyoming Territory.

Dear Sir:—By direction of Senator Wm. M. Stewart, Chairman U. S. Senate Committee on Arid Lands and Irrigation, I write to say that as at present advised, a sub-committee of said body will visit Cheyenne, arriving some time in September, about the 22d to 26th of that month. As it will then be impossible for the committee to go elsewhere than your capitol, Senator Stewart desires me to urge upon you the advisability of securing the attendance there of as many representative citizens who understand your irrigation plans and needs, so that their testimony may be secured. You will be advised by telegraph, probably from El Paso, of a more definite date.

Very Respectfully,
(Signed) RICHARD J. HINTON,
Irrigation Engineer.

The foregoing communications were referred to the committee on irrigation.

Mr. Riner moved that Mr. Slack's proposition in regard to printing be accepted, and that all matter to be printed be sent to the office of the Cheyenne Daily Sun.

Mr. Burritt moved to amend by referring Mr. Slack's proposition to the committee on printing, with instructions to make a contract for printing on the most reliable basis and on the terms proposed in Mr. Slack's letter.

The amendment was adopted.

Mr. Coffeen offered the following resolution, which was adopted:

Resolved, that the Territorial Librarian be requested to furnish one copy of the Revised Statutes of Wyoming to each member of this convention at his earliest convenience.

Mr. Fox presented the following resolution which was read:

Resolved, that all matter any member may wish to be incorporated in the Constitution shall be first introduced in the convention in writing to be read by the member introducing the same or by the clerk of the convention; after a second reading it shall be referred to the appropriate committee without debate, and no matter shall be incorporated in the Constitution until the subject to which it relates shall have first been considered and reported upon by the committee of the whole.

Each article or resolution so introduced shall be printed, giving its consecutive number of introduction and a copy thereof furnished to each member before its second reading, providing, that nothing in this resolution shall prevent the introduction of original matter by any standing committee.

The convention thereupon stood in recess for thirty minutes.

On re-assembling.

The following propositions were then presented, read first time by title and referred:

File No. 1. By Mr. Morgan.
"Declaration of Rights."
Referred to Committee No. 1.

File No. 2. By Mr. Morgan.
"Legislative Department."
Referred to Committee No. 2.

File No. 3. By Mr. Morgan.
"Executive."
Referred to Committee No. 3.

File No. 4. By Mr. Morgan.
"Judiciary."
Referred to Committee No. 4.

File No. 5. By Mr. Morgan.
"Qualifications for Office."
Referred to Committee No. 5.

File No. 6. By Mr. Morgan.
"Elections."
Referred to Committee No. 5.

File No. 7. By Mr. Morgan.
"Taxation and Finance."
Referred to Committee No. 11.

File No. 8. By Mr. Morgan.
"Education."
Referred to Committee No. 7.

File No. 9. By Mr. Morgan.
"Militia."
Referred to Committee No. 16.

File No. 10. By Mr. Morgan.
"Public Officers."
Referred to Committee No. 5.

File No. 11. By Mr. Morgan.
"City Charters."
Referred to Committee No. 12.

File No. 12. By Mr. Morgan.
"Railroads."
Referred to Committee No. 14.

File No. 13. By Mr. Morgan.
"Future Amendments."
Referred to Committee No. 18.

On reassembling Mr. Holden moved that his colleague, Mr. C. D. Clark, be excused until his return next week. Agreed to.

On motion of Mr. Teschemacher the presentation of resolutions and propositions was made the special order for Saturday, Sept. 7th.

The convention thereupon adjourned until ten o'clock a. m. Sept. 6th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

FIFTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 6, 1889.

The convention assembled at ten o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call, thirty-seven members present.

Journal of previous session read and approved.

Mr. Fox persented the credentials of Mr. F. H. Harvey, delegate elect from Converse county. Referred to the committee on credentials.

The convention stood in recess for ten minutes.

On reassembling Mr. Jeffrey offered the following resolution:

Resolved, That the delegates to this convention elected for the purpose of forming a constitution for the proposed state of Wyoming do hereby declare, on behalf of the people of said proposed state, that they adopt the constitution of the United States.

Referred to Committee No. 1.

On motion of Mr. Teschemacher the rules were suspended for the purpose of authorizing the committee on credentials to make a report. Mr. Fox of said committee made the following report:

Cheyenne, Sept. 6th, 1889.

Mr. President:

We, your committee on credentials, have examined the credentials of Mr. F. H. Harvey of Converse county and do recommend that he be entitled to a seat in the convention.

GEO. W. FOX, Chairman.

J. M. McCANDLISH, Secretary pro tem.

On motion of Mr. Fox the above report was adopted.

Mr. Harvey thereupon was sworn in by Justice of the Peace W. P. Carroll and took his seat in the convention.

PROPOSITIONS AND RESOLUTIONS.

The following propositions were read first time and referred: File No. 14. By Mr. Barrow.

"County Seats, Boundaries and Divisions of Counties."

Mr. Potter moved its reference to committee No. 12.

Mr. Irvine moved to amend by referring the proposition to committee No. 6.

Mr. Burritt arose to a point of order, it being the point that a motion to refer is not under the rules, subject to amendment.

The chair sustained the point of order.

The convention by a rising vote then referred File No. 14 to committee No. 6.

File No. 15. By Mr. Palmer.

"Concerning School Lands."

Read first time and referred to Committee No. 16.

File No. 16. By Mr. Palmer.

"Concerning a compulsory Secret Ballot."

Read first time and referred to Committee No. 5.

File No. 17. By Mr. Palmer.

"Concerning Private Detective Agencies."

Referred to Committee No. 10.

File No. 18 By Mr. Campbell.

"Qualifications of State Officers."

Referred to Committee No. 5.

File No. 19. By Mr. Campbell.

"Creation of New Counties and Municipal Corporations."

Referred to Committee No. 12.

File No. 20. By Mr. Fox.

"Preamble."

Referred to Committee No. 1.

File No. 21. By Mr. Chaplin.

"Freedom of Conscience, etc."

Referred to Committee No. 1.

File No. 22. By Mr. Baxter.

"Creation of New Counties."

Referred to Committee No. 12.

The president presented a communication from Mr. Joseph Ramsey, of Tennessee, proposing several articles for the constitution of Wyoming.

Referred to Committee No. 18.

Mr. Baxter offered the following resolution, which was adopted:

Resolved, That the president of this convention be requested to send to the president of the constitutional convention of

New Mexico, now in session in the City of Santa Fe, greetings of the people of Wyoming, and convey some expression of the hope which we entertain that both Wyoming and New Mexico may at an early day be admitted as states in the Union as of right they ought to be.

Mr. Hoyt presented the following resolution, which was laid over under the rules:

Resolved, That the members of standing Committee No. 10, entitled "Manufactures, Commerce, Live Stock Interests and Labor," is hereby increased to ten in order that each county of the territory may be represented therein.

On motion the convention stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at two o'clock p. m.

The president in the chair.

The president presented the following communication, which was read:

Lexington, Missouri, Sept. 3rd., 1889.

B. S. Elliott, President, and Members of Wyoming Constitutional Convention, Cheyenne:

Dear Sir:—As an old resident of Wyoming and a member of her first legislature, it will not seem out of place for me to express my interest in your proceedings, and my best wishes for the success of the new state.

The name of the state has much to do with its future fortunes, and if the new state is to be named after a county, it would seem to me much better to name it after one of your own counties, than after a county in an eastern state, as it is now named. Uinta is a much prettier name than Wyoming, and it is one that belongs to your locality and was not imported from the east. Wyoming was chosen for you when helpless. When you become full fledged free men choose your own name. There are many other pretty aboriginal names that belong to the west, but it would be hard to find a more suitable and pleasant sounding name than Uinta, spelled with five letters.

With many wishes for the prosperity of the new state, I have the honor to be, my dear sir and gentlemen,

GEORGE WILSON,
Member of Council, First Legislature.

On motion of Mr. Reid the foregoing communication was laid upon the table.

At the request of M. Palmer, Mr. Preston was excused until his return next week.

The convention excused Mr. Barrow until Tuesday next.

The president submitted the following communications from his excellency, the governor of the territory, which were read and referred to Committee No. 5.

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., Sept. 3, 1889.

Hon. M. C. Brown,
President Constitutional Convention,
Cheyenne, Wyo.

Dear Sir:—I am in receipt of a letter from Henry B. Blackwell, of Boston, regarding woman's suffrage, in the Wyoming constitution.

He encloses letters from U. S. Senator Henry W. Blair, of New Hampshire, Ex-Governor of Massachusetts John D. Long, and Member of Congress T. B. Reed of Maine.

The three letters I herewith enclose you for any use you may desire to make of them during the convention.

Very Truly Yours,
FRANCIS E. WARREN,

UNITED STATES SENATE,
Washington, D. C., Aug. 21, 1889.

Henry B. Blackwell,
Cor. Sec'y Am. Woman's Suffrage Asso'tn.

Dear Sir:—

The most common arguments urged by the opponents of woman suffrage to a national constitutional amendment giving suffrage to women, is that the whole subject belongs to the states, and to the people of the states. Always in debate they tell us to go to the states and fight out the battle there.

Hence all must see that you are pursuing the very course they pronounce the proper one, in your efforts to secure the suffrage for women in the formation of the constitutions of the new states.

There is not the slightest ground to apprehend their rejection should these states apply, with woman suffrage in their constitutions.

There is very general willingness that the experiment be tried even by those who have no faith in the result.

Tried it must be, and the sooner the better.

Truly Yours,
HENRY W. BLAIR.

Portland, Me., Aug. 21st, 1889.

My Dear Sir:—There is no danger that the admission of Wyoming will be hindered in the least by putting woman suffrage in the constitution.

Very Truly,
T. B. REED.

To Henry B. Blackwell,
Cor. Sec'y Am. W. S. A.

LAW OFFICE OF ALLEN, HEMENWAY & LONG,
Boston, Mass., Aug. 22, 1889.

Dear Sir:—In my judgment, if Wyoming adopts a woman suffrage constitution, congress will recognize and respect the right of the people of that territory to regulate and determine the question of suffrage for themselves, and would not refuse them admission as a state on that account.

Yours Truly,
JOHN D. LONG.

Henry B. Blackwell, Esq.

Mr. Chaplin submitted the following report:.

Cheyenne, Sept. 6th, 1889.

To the Members of the Constitutional Convention of Wyoming:

Gentlemen:—We, your committee on printing, desire to report that we have asked for bids from the various printing establishments in Cheyenne, which are submitted herewith, and made a part of this report.

We desire to state that the committee in each case informed the printing establishments that no moneys were available for the payment of bills which might be incurred, but that they would be compelled to take their chances upon an appropriation by the legislature, or the United States congress.

W. E. CHAPLIN,
J. A. CASEBEER,
HENRY G. HAY.

To the Printing Committee of the Wyoming Constitutional Convention:

Sirs:—The Sun will do the printing as specified by you, upon 16lb. flat cap at the rate of 55 cts. per 1.000 ems.

And upon a super sized callendered bb. paper after sample enclosed at 5 cts. less per 1,000 ems.

E. A. SLACK.

Cheyenne, Wyo., Sept. 6, 1889.

To the Printing Committee, Constitutional Convention:

Gentlemen:—We agree to print (75) seventy-five copies of all matter introduced in said convention for incorporation into the constitution of the state of Wyoming for the sum of (57) fifty-seven cents per 1,000 ems.

This to include paper and press work.

Type small pica.

Paper 16 lb. cap, good quality.

Respectfully,
BRISTOL AND KNABE PRINTING CO.
S. A. Bristol, Manager.

Cheyenne, Sept. 6, 1889.

Committee on Printing, Constitutional Convention:

Gentlemen:—I herewith propose to do the printing for the constitutional convention, in a manner similar to the enclosed legislative bill, at the rate of 65 cents per 1,000.

This includes composition, paper, press work, and everything complete.

Enclosed find sample of paper and style of bill.

Yours Truly,
JOHN F. CARROLL,
Manager Cheyenne Leader.

On motion of Mr. Coffeen the report was accepted and the committee authorized to contract with Mr. Slack, the lowest bidder, for the printing required by this convention, on the basis of his two propositions submitted to this convention.

Mr. Hay, from the committee on ways and means, reported as follows:

Mr. President:

Your special committee on ways and means to whom was re-referred the matter of employing an official stenographer to report the proceedings of this convention, beg leave to report that they have employed Miss Louise S. Smith, and submit her proposition herewith.

H. G. HAY, Chairman.

H. G. NICKERSON, Secretary.

Cheyenne, Wyoming, Sept. 6th, 1889.

Henry G. Hay, Esq., Chairman,
Cheyenne, Wyoming,

Dear Sir:—I beg to submit the following proposition for your final consideration.

I will make a stenographic report of the proceedings of the convention, and furnish a type-written transcript of the same at the rate of fifteen dollars per day, for each day actually employed in making such stenographic report, the work to be completed within thirty days after the adjournment of the convention.

Yours Respectfully,
LOUISE S. SMITH.

On motion of Mr. Campbell the report was accepted, and the action of the committee approved.

Mr. Potter gave the following notice:

Cheyenne, Sept. 6th, 1889.

Mr. President:

I hereby give notice that on to-morrow or some subsequent day, I will move an amendment to Rule six, by the establishment of an additional committee to be known as a "Committee on Ordinances."

C. N. POTTER.

The resignation of Corlett Downey, one of the pages of this convention, having been accepted, Mr. Potter nominated Fred Hufsmith for the position vacated; and he was chosen page by acclamation.

On motion of Mr. Campbell, the convention adjourned until ten o'clock a. m. Sept. 7th.

M. C. BROWN, Pres. Con.

Attest: J. K. JEFFREY, Secretary.

SIXTH DAY

Hall of Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 7, 1889.

The convention assembled at ten o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call, 34 members present.

Journal of previous session read and approved.

Mr. Mark Hopkins, delegate from Sweetwater County, appeared on the floor of the convention and the oath of office was administered to him by Justice of the Peace W. P. Carroll.

The president submitted a communication from Mr. S. D. Shannon, Ex-Secretary of Wyoming Territory, accepting the courtesies extended to him by this convention.

The following resolution, offered by Mr Baxter, was unanimously adopted:

Resolved, That the thanks of members of this convention are hereby tendered to Mr. Jno. F. Carroll for his generous offering of copies of the Cheyenne Leader, daily, during the continuance of the convention.

The president announced the receipt of several copies of the annual report of the State Engineer of Colorado.

On motion of Mr. Johnston, a vote of thanks was extended to that official.

PROPOSITIONS.

The following propositions were read first time and referred:

File No. 23. By Mr. Baxter.

"Concerning Oath of all Civil Officers."

Referred to Committee No. 5.

File No. 24. By Mr. Baxter.

"Concerning one of the Duties of the Attorney General of the State."

Referred to Committee No. 4.

File No. 25. By Mr. Baxter.
"Concerning Female Suffrage."
Referred to Committee No. 5.
File No. 26. By Mr. Baxter.
"Forbidding the improper use of Public Funds."
Referred to Committee No. 11.
File No. 27. By Mr. Potter.
"Concerning Taxation."
Referred to Committee No. 11.
File No. 28. By Mr. Potter.
"Public Schools."
Referred to Committee No. 7.
File No. 29. By Mr. Potter.
"Concerning Qualifications of Electors."
Referred to Committee No. 5.
File No. 30. By Mr. Potter.
"Limitation on Legislative Power."
Referred to Committee No. 2.
File No. 31. By Mr. Grant.
"Relating to Railroad and Telegraph Lines."
Referred to Committee No. 14.
File No. 32. By Mr. Teschemacher.
"Qualification of Electors."
Referred to Committee No. 5.
File No. 33. By Mr. Palmer.
"Concerning Exemptions."
Referred to Committee No. 11.
File No. 34. By Mr. Burdick.
"State Militia."
Referred to Committee No. 16.
File No. 35. By Mr. Burdick.
"Irrigation Commissioners."
Referred to Committee No. 8.
File No. 36. By Mr. Fox.
"Militia."
Referred to Committee No. 16.
File No. 37. By Mr. Coffeen.
"Railroad Corporations."
Referred to Committee No. 14.
File No. 38. By Mr. Coffeen.
"On Corporations."
Referred to Committee No. 13.
File No. 39. By Mr. Teschemacher.
"Concerning the Ballot."
Referred to Committee No. 5.
File No. 40. By Mr. Reid.
"Prohibiting the Importation of Foreign Police, Etc."
Referred to Committee No. 10.

On motion of Mr. Potter, Files 23, 25, 26, 27, 28, 30, 31, 35, 36, 37, 38, and 40 were ordered to be printed.

The resolution offered by Mr. Hoyt, Sept. 6th, increasing the membership of Committee No. 10 to ten, was adopted.

Mr. Coffeen moved a reconsideration. Carried.

Mr. Coffeen moved an amendment of the resolution increasing the committee to eleven members. The amendment was agreed to.

The resolution as amended was then adopted.

In pursuance of a notice previously given Mr. Potter moved to amend Rule 6, by appointing an additional standing committee of seven members, to be known as Committee No. 20, "On Ordinances." Agreed to.

Mr. Johnston, of Committee No. 8, made the following report, which was adopted:

Mr. President:

CONSTITUTIONAL CONVENTION, WYOMING TERRITORY,
Committee Room No. 8, Sept. 7, 1889.

Your committee to whom was referred the communication of His Excellency relative to the expected visit of the U. S. Senate committee on arid lands and irrigation, respectfully report that they have had the matter under consideration and report—That we have conferred with His Excellency and are informed by him that he has called upon the several Boards of County Commissioners of the Territory to send one or more men who are familiar with irrigation in their counties to represent their counties, before the U. S. Senate Committee but that all the counties may not have time to respond.

Your committee therefore recommend:

That for fear the county commissioners may fail to respond, that a member be designated from this convention to complete the representation from each county, and whose business shall be to see that their counties are represented before the U. S. Senate committee, and this committee be informed at once, so that the material to be used before said committee may be intelligently arranged so as to make the best showing possible and that each county delegation be requested to designate a member for said committee. Your committee further recommend that the U. S. Senate committee be tendered the privileges of the floor of this convention, and that the president of this convention be requested to write the members of the U. S. Senate committee to address this convention upon the question of irrigation.

We submit herewith two resolutions and recommend their adoption.

J. A. JOHNSTON, Chairman.

The following resolutions submitted by Committee No. 8, were ordered to be read and were adopted without debate.

Resolved, That the president of this convention be requested to extend to the members of the U. S. Senate committee on arid lands and irrigation the privileges of the floor of this house, and to extend an invitation to the members of the said committee to address this convention upon the question of irrigation.

Resolved, That a select committee of ten to consist of one member from each county, be chosen from this convention, each delegation to designate the member from their county, to attend to the preparation and presentation of information on irrigation to the U. S. Senate committee on arid land and irrigation on the occasion of their visit to Cheyenne and in conjunction with His Excellency the Governor to arrange for their formal reception and entertainment.

The president announced that in accordance with the foregoing resolution the designation of the members to form this select committee was in order. The roll of counties being called, the following named gentlemen were chosen as members of the select committee:

Albany County, S. W. Downey,
Carbon County, R. C. Butler,
Crook County, nomination deferred,
Converse County, nomination deferred,
Fremont County, N. Baldwin,
Johnson County, C. H. Burritt,
Laramie County, J. A. Johnston,
Sheridan County, H. A. Coffeen,
Sweetwater County, M. Hopkins,
Uinta County, C. W. Holden.

Mr. Hoyt presented a resolution relating to "Printing and Publication," which resolutions were laid over under the rules.

By general consent Mr. Campbell was excused from attendance next Monday.

Mr. Ferris and Foote were also excused until their return next week.

On motion of Mr. Organ, as amended by Mr. Campbell, the convention adjourned till two o'clock p. m. Monday, September 9th.

M. C. BROWN, Pres. Con.

Attest: JOHN K. JEFFREY, Secretary.

SEVENTH DAY.

HALL OF CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 9, 1889.

The convention was called to order at 2 o'clock p. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 38 members present.

Journal of the previous session read and approved.

Mr. Frank, of Crook, designated Mr. R. H. Scott as member of the special committee to meet the U. S. Senate committee on irrigation.

The president announced that he had made the following additional appointments on standing committees:

Committee No. 10, Messrs. Sutherland of Albany, Frank of Crook, Irvine of Converse, McCandlish of Johnson.

Committee No. 20, "On Ordinances," Messrs. Downey, Organ, Harvey, Burdick, Potter, Menough, Jones.

PROPOSITIONS.

The following propositions were read first time and referred:

File No. 41. By Mr. Jeffrey.
"Public Indebtedness."
Referred to Committee No. 11.

File No. 42. By Mr. Fox.
"Transportation of Coal and Mineral Oils."
Referred to Committee No. 13.

File No. 43. By Mr. Nickerson.
"Apportionment."
Referred to Committee No. 2.

File No. 44. By Mr. Morgan.
"Preamble."
Referred to Committee No. 1.

File No. 45. By Mr. Morgan.
"Declaration of Rights."
Referred to Committee No. 1.

File No. 46. By Mr. Morgan.
"Distribution of Powers."
Referred to Committee No. 18.

File No. 47. By Mr. Grant.
"Elections."
Referred to Committee No. 5.

The president announced that in accordance with a resolution of this convention, he had sent the following telegraphic dispatch:

Cheyenne, Wyo., Sept. 6th.
To the President of the Constitutional Convention,
Santa Fe, New Mexico:

Wyoming's Constitutional Convention sends greetings and expresses the hope that Wyoming and New Mexico at an early day will be admitted into the Union of States, as by right they ought to be.

(Signed) MELVILLE C. BROWN,
President.

The reply received was as follows:

Santa Fe, N. M., Sept. 7.
Melville C. Brown, President Constitutional Convention,
Cheyenne, Wyoming:

The New Mexico Constitutional Convention extends the hand of fellowship to Wyoming with deepest gratitude for her kindly greeting, and is sanguine that the race upon which Wyoming and New Mexico have entered will be successful and that their two stars will be none the less brilliant in the American constellation than those which shine in the Union firmament.

(Signed) J. FRANK CHAVEZ,
President.

Mr. Morgan offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of the convention are due and hereby tendered to Hon. J. W. Meldrum, Secretary of the Territory, for his successful efforts in fitting up the hall for the meetings of the convention, providing stationary and other essentials for the use of the members.

Mr. Jeffrey moved that File No. 41 be printed; so ordered.

On motion of Mr. Chaplin, the resolutions offered by Mr. Hoyt, September 7th, were laid over until to-morrow.

Mr. Irvine of Converse, withdrew the name of M. C. Barrow, as member of the special committee to meet the U. S. Senate committee on irrigation.

Mr. Irvine moved that the delegation from Converse be permitted to designate Mr. DeForest Richards as the Converse County member of the special committee to meet the U. S. Senate committee on irrigation.

Ruled out by the chair on a point of order.

On motion of Mr. Riner, the convention adjourned until ten o'clock a. m., September 10th.

M. C. BROWN, Pres. Con.
Attest: JOHN K. JEFFREY, Secretary Const. Con.

EIGHTH DAY.

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 10, 1889.

The convention was called to order at 10 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call. Thirty-nine members present; absent members heretofore excused by the convention.

Journal of previous session read and approved.

The convention on motion excused Mr. Hopkins until Thursday next.

Propositions.

The following propositions were read first time and referred:

File No. 48. By Mr. Frank.
"County Organizations."
Referred to Committee No. 12.

File No. 49. By Mr. Frank.
"Suffrage and Elections."
Referred to Committee No. 5.

File No. 50. By Mr. Campbell.
"Concerning the Creation of a Supreme Court."
Referred to Committee No. 4.

File No. 51. By Mr. Jeffrey.
"Seal of State."
Referred to Committee No. 3.

File No. 52. By Mr. Smith.
"Regulation of Railroads and Telegraphs."
Referred to Committee No. 14.

File No. 53. By Mr. Chaplin.
"Preamble."
Referred to Committee No. 1.

File No. 54. By Mr. Grant.
"Limitation on Public Indebtedness."
Referred to Committee No. 11.

File No. 55. By Mr. Grant.
"Concerning the Revenue."
Referred to Committee No. 11.

File No. 56. By Mr. Riner.
"In relation to the Executive Department."
Referred to Committee No. 3.

Mr. Hay offered an amendment to Rule No. 25, relating to printing.

Mr. Riner moved the suspension of the rule requiring one day's notice for the purpose of considering the amendment, seconded by two members. The yeas and nays were called for, on the motion to suspend the rules, and resulted as follows: Yeas 35. Nays 5. Absent 9.

Thereupon the president announced that two-thirds of the members present having voted in the affirmative, the rules were suspended for the purpose of considering the proposition to amend the rules.

Mr. Hay having withdrawn his amendment Mr. Teschemacher offered the following substitute: Amend Rule 51 so as to read as follows:

"All reports of the committees containing matter to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention; such matters to be incorporated shall be referred immediately to the printing committee and when printed shall be placed upon the calender to be considered in the committee of the whole convention. No other matter shall be printed except by consent of the convention."

Mr. Riner called for the yeas and nays on the question to adopt the amendment.

Seconded by two members.

Pending the question, on motion of Mr. Campbell, supported by five members, a call of the house was ordered

The president instructed the sergeant-at-arms to close the doors.

On motion of Mr. Riner further proceedings under the call of the house were dispensed with.

The yeas and nays on the question of adopting Mr. Teschemacher's proposed amendment of Rule No. 51, resulted as follows:

Yeas 18; Nays 19; Absent 11.

The president thereupon announced that a majority of the convention having not voted in the affirmative, the motion to amend the rules was lost.

On motion of Mr. Fox, the convention stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention re-assembled at two o'clock p. m.

Mr. President in the chair.

The president presented the following communication from the Hon. Delegate in Congress from Wyoming Territory:

Cheyenne, Wyoming, Sept. 9, 1889.

Hon. M. C. Brown,
President Constitutional Convention,
Cheyenne, Wyoming.

Sir:—For the distinguished honor conferred in tendering to me the privileges of the floor of the convention, I desire to express my hearty thanks.

The first Constitutional Convention of Wyoming, I believe, will form a constitution which will be approved by all its members, ratified by the people, and accepted by congress as the fundamental law of a new state.

Very respectfully,
Your obedient servent,
JOSEPH M. CAREY.

REPORTS OF STANDING COMMITTEES.

Mr. Johnston, of Committee No. 8, made the following report which was adopted and the accompanying proposition ordered printed.

Cheyenne, September 10, 1889.

Mr. President:

Your Committee No. 8, submit herewith a proposition on "Irrigation and Water Rights," and recommend that the same be printed for the information of the convention.

J. A. JOHNSTON, Chairman.

Committee No. 12 reported as follows:

Committee No. 12. On County, City and Town Organizations.

September 10th, 1889.

Mr. President:

Your committee having under consideration File No. 11, return the same with the recommendation that it do not pass, and submit herewith a substitute entitled Municipal Corporations which we recommend for incorporating in the constitution.

Your committee apprehend that a large portion of File No. 11 was inadvertantly referred to us, as it refers to corporations other than municipal, we therefore recommend that all of said file except the first section be referred to Committee No. 13, on corporations.

CHAS. H. BURRITT,
JONATHAN JONES,
GEO. W. FOX,
A. C. CAMPBELL,
J. A. RINER.

On motion of Mr. Elliott the report of Committee No. 12 was adopted, the substitute submitted by the committee, ordered printed and File No. 11, excepting Sec. 1, referred to Committee No. 13. Committee No. 12 submitted a majority and minority report on Files No. 19 and 22, which on motion were accepted.

The special committee on ways and means made the following report:

Wyoming Constitutional Convention.
Final Report of Temporary Committee on Ways and Means.
Cheyenne, Wyoming, Sept. 10, 1889.

To the President of the Wyoming Constitutional Convention,
Cheyenne, Wyoming.

Sir:—Your committee having had under consideration the questions which were referred to them, viz: The compensation of the employees of the convention, the advisability of employing a stenographer, and the ways and means of raising the funds to meet the necessary cash expenditures of the convention, beg leave to submit the following final report:

As already suggested your committee recommends that the compensation of the employes of the convention, be fixed as nearly as possible at the same rates as those paid for similar service to the employes of the Tenth Legislative Assembly of Wyoming. And that the president and secretary of the convention be authorized to issue to the said employes certificates showing the amount of service rendered and the amount due them, said certificates to be accepted by the employes subject to any action that the legislature of Wyoming or the congress of the United States, may take in reference to paying the expenses of this convention. We find that the rates of compensation as suggested above applied to the employes of this convention, would be as follows, to-wit:

Two assistant secretaries at five dollars per day each.
One Sergeant-at-Arms, at five dollars per day.
One dookeeper or watchman at four dollars per day.
One chaplain at one dollar and fifty cents per day.
Two pages or messengers at two dollars per day.

A contract has been made with the Cheyenne Daily Sun, by another committee, by which it is provided that no cash payment shall be made, and we therefore suggest that certificates, similar to those mentioned, be issued to the editor of the Cheyenne Sun.

The convention has already taken action in reference to stenographer.

Your committee estimates that there will be required not to exceed $700.00 in cash for the payment of stenographic report, for the tables, stationery and supplies provided by the secretary of the territory, previous to the meeting of the convention. To meet this demand a loan has been made, by subscription, from certain citizens of Cheyenne, on condition that certificates be issued to them showing the amount subscribed.

A form of certificate is submitted herewith, and it is recommended that authority for their issue be given, on receipt by the secretary of the convention, of their par value from the subscribers and that the funds so received be paid by the secretary of the convention to the secretary of Wyoming territory, who shal be requested to pay the same out on the properly audited vouchers of the convention.

Your committee having completed the labors assigned to it to the best of its ability, now ask to be discharged, and that the matter of carrying out the details of the plan proposed, be referred to the proper standing committee.

Very Respectfully,
HENRY G. HAY, Chairman.
H. G. NICKERSON, Secretary.

FORM OF CERTIFICATE.

No........ $........

WYOMING CONSTITUTIONAL CONVENTION.

Cheyenne, Wyo., September...., 1889.

This is to certify that (blank) this blank to be filled to show the name of the party to whom issued, the service rendered, and the amount due.. ....Dollars. And that this certificate is issued by authority of the Constitutional Convention of Wyoming, subject to such action as the Legislature of Wyoming, or the Congress of the U S. may make in reference to the payment of the expenses of the said convention.

.....................President.

.....................Secretary.

On motion of Mr. Potter the foregoing report of the committee on ways and means was adopted and the committee discharged.

On motion of Mr. Smith the resolutions offered by Mr. Hoyt were laid over until the next session.

Mr. Hay offered the following resolution which was adopted by a unanimous vote:

Resolved, That the president and secretary of this convention are hereby authorized to issue certificates, in the form, and for the purposes, proposed in the report of the temporary committee on ways and means of September 10th, and that the proceeds derived from the sale of any of such certificates as may be sold shall be paid to the secretary of the territory, to be disbursed by him on the properly audited vouchers of the convention. Also that the certificates issued for the payment of the employes, and for printing and be delivered to the secretary of the territory to be paid out to the proper parties, and that the secretary of the territory be requested to keep a record of his receipts and disbursements, on this account, for future reference.

Provided, That no certificate shall be issued, in excess of the amount or for any other purpose than those suggested in the report of the ways and means committee, without the further authority of this convention.

Mr. Fox submitted the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the chair to inspect from time to time the work performed by the stenographic reporter so far as the report is completed in type written manuscript, the approval of the report by said committee shall entitle the stenographer to the payment of the fees ae designated in the report of the committee on ways and means and adopted by the convention.

Mr. Fox moved that the convention go into committee of the whole.

Lost on a rising vote.

On motion of Mr. Baxter the majority and minority reports of Committee No. 12, on files No. 19 and 22 were ordered printed.

Messrs. Elliott and Preston were excused for the day.

On motion of Mr. Campbell the convention adjourned until ten o'clock a. m., Sept. 11th.

M. C. BROWN, President Convention.

Attest: JOHN K. JEFFREY, Secretary.

NINTH DAY.

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 11, 1889.

The convention was called to order at ten o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call: 40 members present, absent members heretofore excused by the convention. Journal of previous session read and approved.

Mr. DeForest Richards, delegate elect from Converse county, appeared on the floor of the convention, and the oath of office was administered to him by Justice of the Peace W. P. Carroll.

PROPOSITIONS.

The following propositions were read first time and referred:

File No. 59. By Mr. Fox.
"Qualifications to Office."
Referred to Committee No. 7.
File No. 60. By Mr. Fox.
"Federal Relations."
Referred to Committee No. 16.
File No. 61. By Mr. Campbell.
"Incorporations of Cities, Towns and Counties."
Referred to Committee No. 15.
File No. 62. By Mr. Morgan.
"Legislative Department."
Referred to Committee No. 2.
File No. 63. By. Mr. Grant.
"Revenue."
Referred to Committee No. 11.
File No. 64. By Mr. Morgan.
"General Oath of Office."
Referred to Committee No. 5.
File No. 65. By Mr. McCandlish.
"Salaries of County Officers."
Referred to Committee No. 15.

REPORTS OF STANDING COMMITTEES.

Committee No. 5 reported as follows:

Cheyenne, Wyo., Sept. 11th, 1889.

Mr. President:

Your Committee No. 5, having under consideration File No. 18, beg leave to return the same with the recommendation that it be re-referred to Committee No. 3 on executive department.

JOHN K. JEFFREY, Chairman.

On motion of Mr. Jeffrey File No. 18 was referred to committee No. 3.

Committee No. 18 submitted the following report:

To the Chairman of the Constitutional Convention, Wyoming:

Sir:—Your Committee No. 18 on Schedule, Future Amendments and Miscellaneous Matters, report as follows:

That File No. 46, concerning the distribution of powers, be and is returned to your body with the recommendation that it become a part of the constitution of the state of Wyoming.

That File No. 13 be and is referred back to your body with the recommendation that it do not pass, and your committee propose a substitute therefor, with the recommendation that said substitute become a part of the constitution for the state of Wyoming, under the title of "Amendments,"

L. J. PALMER, Chairman.

On motion of Mr. Irvine File No. 46, and substitute for File No. 13 reported by Committee No. 18, were ordered printed.

RESOLUTIONS.

The following resolution offered by Mr. Hoyt Sept. 7th and as amended by Mr. Jeffrey was adopted.

Whereas, It has been determined that a full record shall be made of the proceedings of this convention, with a view to its publication, and whereas it is desirable that such record be so prefaced as to show the successive official acts in which the convention had origin in order that such acts may become a permanent part of its history, therefore,

Resolved. That the standing committee on printing and publication is hereby instructed to embrace in the volume of proceedings to be so published, and as introductory thereto, the following official papers, to-wit:

1. The memorial of the Tenth Legislative Assembly, requesting of congress such legislation as will enable the people of Wyoming to form a constitution and state government.

2D. THE RESOLUTIONS ADOPTED BY THE SEVERAL BOARDS OF COUNTY COMMISSIONERS.

"Whereas, This board of county commissioners is satisfied, by an examination of senate bill No. 2,445, as unanimously and favorably reported to the United States senate by the committee on territories, that its provisions are absolutely fair for all sections of the territory of Wyoming, and

Whereas, The board is satisfied that there should be immediate action, as there would be greater probability of success by literally and speedily following the provisions of this bill; therefore be it

Resolved, That this board pledges itself to put in operation the election machinery under the laws of the territory for the election of delegates to a constitutional convention, and the submission of such constitution as may be presented by the said convention to the people of this county for ratification or rejection, if the governor, chief justice and secretary of the territory shall in their wisdom see fit to take the initiatory steps under the provisions of said senate bill for calling into existence a constitutional convention.

Resolved, That the chairman of this board be instructed to present copies of this resolution to the governor, chief justice and secretary, with the request that if other counties of the territory make similar requests they shall divide the territory into districts, apportion the number of delegates to the several districts or counties, and do such other acts as may be necessary for the convening of such constitutional convention in the manner and form as is provided by the terms of said senate bill."

3. The certificate of the governor, chief justice and secretary of the territory, setting forth their apportionment of the number of delegates to said convention among the several districts of the territory dated June 3rd, 1889.

4. The proclamation of the governor dated June 3rd, 1889, directing an election throughout the territory for the choice of delegates to a constitutonal conventon to form at Cheyenne on the first Monday of September, 1889, for the purpose of framing a constitution for the state of Wyoming.

The following resolution submitted by Mr. Hoyt, relating to constitutional provisions, was on motion of Mr. Burritt adopted:

Resolved, That the constitution for Wyoming to be submitted to the people for their adoption or rejection, should be as comprehensive and general in its provisions as shall be consistent with definiteness of purpose, and that in the drafting of provisions there should be the avoidance of details which may be safely left to future legislation, to the end that with every necessary safeguard for interests general and vital, there may also be the freedom essential to a great and growing people in a rapidly advancing age.

On motion of Mr. Jeffrey Committee No. 1 was requested to report back the resolution relating to the adoption of the constitution of the United States.

Mr. Campbell moved the following resolution, which was adopted:

Resolved, That the following telegram be forwarded to Mrs. S. S. Cox, New York City:

In the death of your distinguished husband we recognize the loss of an earnest and able advocate for our admission as a state. Permit us to extend our sympathies in this, your hour of affliction.

The president announced the following special committee on stenographic report:

Messrs. Fox, Jeffrey and Baxter.

Mr. Holden offered the following resolution, which was adopted:

Resolved, That there be added to the committee appointed by this convention to meet and confer with the United States senatorial committee on arid lands which is expected to visit this city in the near future:

1. Hon. M. C. Brown, president of this convention.

2. That Hon. Joseph M. Carey, delegate to congress, be requested to act in conjunction with said special committee and that the secretary of this convention be instructed to notify him in writing of such request.

3. That the secretary be instructed to notify his excellency, Governor Warren, of the action of this convention upon the communication from the said senatorial committee, submitted to the convention by him.

Mr. Irvine, on behalf of the delegation from Converse county, designated Mr. DeForest Richards, as member of the special committee to meet the United States senate committee on irrigation.

The convention stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at two o'clock p. m.

The president in the chair.

Mr. Baxter of Committee No. 1, in accordance with the request of the convention, reported back the resolution offered by Mr. Jeffrey.

On motion the resolution was referred to Committee No. 20.

Mr. Organ of Committee No. 20 made the following report.

Cheyenne, Sept. 11, 1889.

Mr. President:

Your Committee No. 20, to whom was referred the resolution of Mr. Jeffrey, concerning the adoption of the constitution of the United States by this convention, beg leave to report that we return said resolution to the convention together with a substitute therefor, and that we recommend the adoption of the substitute.

Respectfully,
C. P. ORGAN, Acting Chairman.

The convention stood in recess until three o'clock.

On reassembling, by general consent, the report of Committee No. 20 in relation to the resolution adopting the constitution of the United States, was placed first on the general file.

Mr. Palmer, of Committee No. 18, made a report which was ordered printed.

Committee No. 6 obtained leave to sit during the present session of the convention.

On motion of Mr. Potter the convention went into committee of the whole.

Mr. Organ in the chair.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole having had under consideration the general file, beg leave to report with the following recommendations:

That the substitute resolution submitted by Committee No. 20, in relation to the adoption of the constitution of the United States be adopted.

That File No. 58 be amended as follows:

Amend Sec. 1 by striking out all after the word "class" in the fifth line.

Amend Sec. 2 of said file by striking out the words "according to law" and inserting in lieu of the words "in the manner and under such regulations as may pe prescribed by law."

Amend Sec. 3 by adding "except in the event that money so raised shall not be required or needed for the purpose for which the same was raised."

Amend by adding Sec. 5.

Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law, for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators, upon the payment of just compensation, such water as may be necessary for the well being thereof, and for domestic uses.

And that as amended, File No. 58, be embodied in the constitution.

C. P. ORGAN, Chairman.

On motion the report of the committee of the whole was received and placed on file.

The convention ordered final reading of the resolution adopting the constitution of the United States.

The yeas and nays on the adoption of the resolution, resulted as follows:

Yeas, Messrs.-

Barrow,
Baxter,
Burdick,
Burritt,
Campbell,
Casebeer,
Chaplin,
Coffeen,
Conaway,
Elliott,
Ferris,
Foote,
Fox,
Frank,
Grant,
Hay,
Harvey,
Holden,

Hoyt,
Irvine,
Jeffrey,
Jones,
Johnston,
Menough,
Morgan,
Morris,
McCandlish,
Organ,
Palmer,
Potter,
Preston,
Reid,
Richards,
Riner,
Russell,
Scott,
Smith,
Sutherland,
Teschemacher,
Mr. President—40.

Nays—None.

Absent—Messrs. Baldwin, Butler, Clark, Downey, Hopkins, Knight, McGill, Nickerson, Vagner—9.

Thereupon the president announced that the convention had passed the resolution adopting the constitution of the United States.

On motion of Mr. Burritt the further consideration of File No. 58 was postponed until the next session.

Committee No. 5 by general consent made the following report:

Cheyenne, Wyo., Sept. 11, 1889.

Mr. President:

Your Committee No. 5 having had under consideration files numbered 16, 25, 29, 32, 39 and 47, return the same with an article entitled "Suffrage" containing such portions of said files as your committee deem desirable, which article we recommend as a substitute to be incorporated in the constitution.

Also, having had under consideration File No. 49, return the same herewith without our approval.

On motion of Mr. Jeffrey the report was accepted and ordered printed.

On motion of Mr. Organ the convention adjourned till ten o'clock Sept. 12th.

M. C. BROWN, President Convention.

Attest: JOHN K. JEFFREY, Secretary.

TENTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 12, 1889.

The convention was called to order at ten o'clock a. m. Mr. President in the chair.

Prayer by the chaplain.

Roll call: 39 members present, absent members heretofore excused by the convention.

Journal of previous session read and approved.

The president announced that owing to the absence of Mr. Thos. H. Moore of Crook county, he had appointed in his place on Committee No. 2, Mr. Frank of Crook county, and on Committee No. 3, Mr. Richards of Converse.

Mr. Organ was excused for the day.

Mr. Baxter moved a suspension of the rules for the purpose of electing an enrolling and engrossing clerk.

The rules were suspended.

On motion of Mr. Baxter the convention proceeded to the election of an enrolling and engrossing clerk, upon the same terms and conditions as governed the election of the assistant scretaries.

Mr. Baxter nominated for the position Mrs F.Ollerenshaw.

There being no other nominations, Mrs. Ollerenshaw, on motion was declared elected engrossing and enrolling clerk by acclamation.

On motion of Mr. Frank, Mr. Scott of Crook, was excused from attendance for ten days.

PROPOSITIONS.

The following propositions were read first time and referred:

File No. 66. By Mr. Reid.
"Concerning Chinese Labor."
Referred to Committee No. 10.

File No. 67. By Mr. Harvey.
"Ordinances."
Referred to Committee No. 20.

FINAL READING.

File No. 58 with amendments recommended by the committee of the whole, was taken up on final reading.

The amendments recommended by the committee to sections 1 and 2, were, on motion, adopted.

Mr. Potter moved to amend the amendment recommended to Section 3 by substituting in its stead the words "except by authority of law." Agreed to.

The substitute amending Section 3 was then adopted.

The amendment adding Section 5 was adopted.

On motion of Mr. Burritt, Section 3 of File No. 58, was further amended by striking out all after the word "law" in the fifth line.

Mr. Campbell moved the previous question; sustained by five members.

The convention then ordered the final reading of File No. 58 as amended.

Mr. Potter moved the final reading and adoption of the proposition in File No. 58, by sections.

Motion declared out of order.

Mr. Potter appealed from the decision of the chair.

The decision of the chair was sustained by a rising vote.

The yeas and nays on the adoption of File No. 58 resulted as follows:

Yeas, Messrs.

Baldwin,
Barrow,
Baxter,
Burdick,
Campbell,
Chaplin,
Conaway,
Elliott,
Ferris,
Foote,
Fox,
Frank,
Hay,
Harvey,
Holden,
Irvine,
Jeffrey,
Johnston,
Menough,
Morris,
Nickerson,
Potter,
Preston,
Reid,
Richards,
Riner,
Russell,
Smith,
Teschemacher,
Mr. President—30.

Nays—Messrs. Burritt, Casebeer, Coffeen, Grant, Jones, Morgan, McCandlish, Palmer, Sutherland—9.

Absent—Messrs. Butler, Clark, Downey, Hopkins, Hoyt, Knight, McGill, Organ, Scott, Vagner—10.

Thereupon the president announced that the convention had adopted the proposition in File No. 58, as amended, to be embodied in the constitution.

Mr. Teschemacher moved to reconsider the vote by which File No. 58 was adopted.

The yeas and nays on the question to reconsider resulted as follows:

Ayes—Messrs. Baldwin, Barrow, Burdick, Burritt, Casebeer, Coffeen, Conaway, Ferris, Grant, Irvine, Jones, Morgan, McCandlish, Palmer, Richards, Russell, Sutherland, Teschemacher—18.

Nays—Messrs. Baxter, Campbell, Chaplin, Elliott, Foote, Fox, Frank, Hay, Harvey, Holden, Jeffrey, Johnston, Menough, Morris, Nickerson, Potter, Preston, Reid, Riner, Smith, Mr. President—21.

Absent—Messrs. Butler, Clark, Downey, Hopkins, Hoyt, Knight, McGill, Organ, Scott, Vagner—10.

Thereupon the president announced that the convention had refused to reconsider the vote by which the proposition in File No. 58 had been adopted.

On motion of Mr. Riner the convention stood in recess until 2:30 o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at 2:30 o'clock p. m.

The president in the chair.

File No. 58, and the resolution adopting the constitution of the United States, were referred to the committee on revision.

Mr. Potter gave the following notice:

Cheyenne, Sept. 12, 1889.

Mr. President:

I hereby give notice that on to-morrow or some subsequent day, I shall offer an amendment to the rules of the convention by adding to section 55 "When any proposition which is before the convention for final adoption consists of several sections, any member shall have the right to demand that a particular section shall be submitted to the convention and voted on separately.

C. N. POTTER.

On motion of Mr. Baxter the convention went into committee of the whole for the consideration of the general file.

Mr. Smith in the chair.

When the committee arose it submitted the following report:

Cheyenne, Sept. 12, 1889.

Mr. President:

Your committee of the whole having had under consideration the general file, beg leave to report with the following recommendations:

That File No. 57 be amended as follows:

Amend Sec. 1 by striking out the words "not heretofore appropriated" in the second line of said section, and by inserting in the third line between the words "to" and "appropriation" the words "prior or future."

That amendment offered by Mr. Fox be referred to the committee on irrigation.

That File No. 57 as amended be re-referred to Committee No. 8.

That substitutes for Files 19 and 22 submitted by Committee No. 12, be amended in Sec. 2 by striking out the words "an equal or greater" and inserting in lieu thereof the words "at least three millions of dollars of assessable."

And your committee not having finished the consideration of said file reports progress and asks leave to sit again.

G. C. SMITH, Chairman.

On motion the report of the committee of the whole relating to File No. 57 was adopted, and said file re-referred to Committee No. 8.

The convention then adjourned until 10 o'clock a. m. Sept. 13th.

M. C. BROWN, Pres. Con.

Attest: JOHN K. JEFFREY, Secretary Const. Con.

ELEVENTH DAY

Hall of Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 13, 1889.

The convention was called to order at ten o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call: 40 members present, absent members heretofore excused by the convention.

Journal of previous session read and approved.

The president submitted the following communication:

Laramie, Wyoming, Sept. 10, 1889.

Hon. M. C. Brown,
President Wyoming Constitutional Convention,
Cheyenne, Wyo.

Dear Sir:—I acknowledge the receipt of a communication from the secretary of the constitutional convention informing me that by a vote of that body I have been tendered the privilege of the floor.

I thank the members for their courtesy.

I am very respectfully,
M. C. SAUFLEY.

On motion of Mr. Campbell File No. 68, by Committee No. 5, "Concerning Suffrage," was made the special order for Tuesday, Sept. 17.

Propositions.

The following propositions were read first time and referred:

File No. 69. By Mr. McCandlish.
"Concerning Trusts."
Referred to Committee No. 14.

File No. 70. By Mr. Jones.
"Concerning Contracts of Employes, Etc."
Referred to Committee No. 10.

File No. 71. By Mr. Baxter.
"Railroads."
Referred to Committee No. 14.

File No. 72. By Mr. Baxter.
"Corporations."
Referred to Committee No. 13.

File No. 73. By Mr. Barrow.
"Legislative Apportionment."
Referred to Committee No. 6.

File No. 74. By Mr. Hay.
"Legislative Apportionment."
Referred to Committee No. 6 and ordered printed.

File No. 75. By Mr. Grant.
"State Boundaries."
Referred to Committee No. 6.

Mr. Baxter gave the following notice:

Mr. President:

I hereby give notice that on to-morrow or some subsequent day I shall move to amend rules numbered 18 and 19

G. W. BAXTER.

REPORTS OF STANDING COMMITTEES.

Committee No. 12 reported as follows:

Cheyenne, Wyo., Sept. 12, 1889.

Mr. President:

Your Committee No. 12, having under consideration File No. 48, return the same without our approval. The substance of this file has been already considered by your committe and a substitute reported.

CHAS. H. BURRITT, Chairman.

On motion the report was adopted and File No. 48 was indefinitely postponed.

Committee No. 6 made a report submitting a substitute for File No. 14. The report and substitute were placed on general file.

Committee No. 10 reported adversely on Files No. 17 and 40, submitting a substitute for the same. Ordered printed.

On motion of Mr. Jeffrey the convention went into committee of the whole.

Mr. Riner in the chair.

When the committe arose it reported as follows:

Cheyenne, Sept. 13, 1889.

Mr. President:

Your committee of the whole having had under consideration the general file, beg leave to report with the following recommendations:

That substitutes for Files Nos. 19 and 22 be further amended by adding to Sec. 2 the following: "No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off, voting on the proposition, shall vote in favor of the division."

That the following be substitute for sections 4, 5, and 6 of the majority report and for section 4 of the minority report:

Sec. 4. The legislative assembly shall provide by general law for a system of township organizaton and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

That Sec. 7 be re-numbered Sec. 5, and that the words "and township" be stricken from said section.

That substitute for files numbered 19 and 22 as amended, be incorporated in the constitution.

And your committee respectfully reports progress and asks leave to sit again.

J. A. RINER, Chairman.

On motion of Mr. Potter, the report of the committee of the whole was adopted.

Mr. Teschemacher of the committee on revision, reported File No. 58 properly engrossed.

On motion File No. 58 was re-referred to the committee on revision to be embodied in the constitution.

Messrs. Frank and Russell were excused from attendance from day to day until their return.

Messrs. Baxter and Baldwin were excused from attendance to-morrow.

The convention then stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention re-assembled at two o'clock p. m.

Mr. President in the chair.

On motion substitute for Files No. 19 and 22 was ordered engrossed.

On motion of Mr. Jeffrey, the convention went into committee of the whole.

Mr. Conaway in the chair.

When the committee arose it reported as follows:

Cheyenne, Sept. 13, 1889.

Mr. President:

Your committee of the whole having had under consideration the general file, beg leave to report with the following recommendations:

That File No. 46, substitute for File No. 13 and substitute for File No. 14, be adopted.

A. B. CONAWAY, Chairman.

On motion the report was adopted.

Mr. Potter moved that the original files be considered engrossed copies. So ordered.

Final Readings.

The convention ordered the final reading of File No. 46, substitute for File No. 13 and substitute for File No. 14.

The yeas and nays on the adoption of File No. 46, resulted as follows:

Yeas—Messrs.

Barrow,
Baxter,
Burdick,
Casebeer,
Chaplin,
Clark,
Coffeen,
Conaway,
Elliott,
Ferris,
Foote,
Fox,
Grant,
Hay,
Harvey,
Holden,
Hoyt,
Irvine,
Jeffrey,
Johnston,
Jones,
Morgan,
Morris,
McCandlish,
Nickerson,
Potter,
Preston,
Reid,
Richards,
Riner,
Smith,
Teschemacher,
Mr. President—33.

Nays—none.

Absent—Messrs. Baldwin, Butler, Burritt, Campbell Downey, Frank, Hopkins, Knight, Menough, McGill, Organ, Palmer, Russell, Scott, Sutherland, Wagner.—16.

The president thereupon announced that the convention had adopted the proposition in File No. 46.

Substitute for File No. 13 having been finally read the yeas and nays on its adoption resulted as follows:

Yeas—Messrs.

Barrow,
Baxter,
Burdick,
Casebeer,
Chaplin,
Clark,
Coffeen,
Conaway,
Elliott,
Ferris,
Foote,
Fox,
Grant,
Hay,
Harvey,
Holden,
Hoyt,
Irvine,
Jeffrey,
Johnston,
Jones,
Morgan,
Morris,
McCandlish,
Nickerson,
Potter,

Preston,
Reid,
Richards,
Riner,
Smith,
Sutherland,
Teschemacher,
Mr. President.—34.

Nays—none.

Absent—Messrs. Baldwin, Butler, Burritt, Campbell, Downey, Frank, Hopkins, Knight, Menough, McGill, Organ, Palmer, Russell, Scott, Vagner.—15.

Thereupon the president announced that the convention had adopted the proposition in substitution for File No. 13.

Substitute for File No. 14, having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs.

Barrow,
Baxter,
Burdick,
Burritt,
Casebeer,
Chaplin,
Coffeen,
Conaway,
Elliott,
Ferris,
Foote,
Morris,
McCandlish,
Nickerson,
Potter,
Preston,
Reid,
Fox,
Grant,
Hay,
Harvey,
Holden,
Hoyt,
Irvine,
Jeffrey,
Johnston,
Jones,
Morgan,
Richards,
Riner,
Smith,
Sutherland,
Teschemacher,
Mr. President.—34.

Nays—none.

Absent—Messrs. Baldwin, Butler, Burritt, Campbell, Downey, Frank, Hopkins, Knight, Menough, McGill, Organ, Palmer, Russell, Scott, Vagner.—15.

The president thereupon announced that the convention had adopted the proposition in substitute for File No. 14.

On motion the foregoing three propositions adopted by the convention were referred to Committee No. 19.

The convention excused Mr. Clark until his return next week.

On motion the convention adjourned until ten o'clock a. m. Sept. 14th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary Const. Con.

TWELFTH DAY.

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 14, 1889.

The convention was called to order at ten o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 33 members present, absent members heretofore excused by the convention.

Journal of previous session read and approved.

The convention excused Messrs. Menough and Palmer from attendance until their return next week.

Proposition.

The following propositions were read first time and referred:

File No. 77. By Mr. Hay.
"Concerning a State Examiner."
Laid on the table.
File No. 78. By Mr. Hay.
"Concerning Live Stock."
Referred to Committee No. 10.
File No. 79. By Mr. Hay.
"Concerning Rights of the People."
Referred to Committee No. 1.

Committee No. 2 reported as follows:

Reports of Standing Committees.

Cheyenne, Sept. 14, 1889.

President Wyoming Constitutional Convention:

Sir:—Your Committee No. 2, to which were referred Files No. 2, 30, 43 and 62, report the same back with a recommendation that they be not adopted. Your committee also present herewith a majority and minority report of matter proposed to be incorporated in the constitution.

E. S. N. MORGAN, Chairman.

H. S. ELLIOTT, Secretary.

On motion the report was accepted and the propositions as recommended by the majority and minority reports ordered printed.

Committee No. 16 made the following report:

Cheyenne, Sept. 14, 1889.

Mr. President:

Your committee No. 16, to whom were referred Files No. 36-9, have had the same under consideration and refer them back to the convention and offer herewith a substitute embracing the salient features of said files, and recommend its adoption.

H. G. NICKERSON, Chairman.
C. P. ORGAN,
GEO. W. FOX.

On motion the substitute for Files 9 and 36, submitted by Committee No. 16, was ordered printed.

Committee No. 3 submitted the following report:

Cheyenne, Sept. 14, 1889.

Mr. President:

Your committee No. 3 beg leave to report the substitute herewith for Files No. 51 and 56 and recommend that it be adopted.

J. A. RINER,
THOMAS R. REID,
DeF. RICHARDS,
A. L. SUTHERLAND.

On motion of Mr. Riner the substitutes for Files No. 51 and 56 were ordered printed.

Mr. Teschemacher, of Committee No. 19, reported substitute for Files No. 19 and 22 properly engrossed.

FINAL READING.

The convention ordered the final reading of substitute for Files No. 19 and 22.

The yeas and nays on the adoption of the proposition in said substitute resulted as follows:

Yeas—Messrs. Burdick, Burritt, Casebeer, Coffeen, Conaway, Elliott, Ferris, Foote, Grant, Holden, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, McCandlish, Nickerson, Organ, Potter, Reid, Richards, Riner, Smith, Teschemacher, Mr. President.—27.

Nays—Messrs. Fox and Sutherland.—2.

Absent—Messrs. Baldwin, Barrow, Baxter, Butler, Campbell, Chaplin, Clark, Downey, Frank, Hay, Harvey, Hopkins, Knight, Menough, McGill, Palmer, Preston, Russell, Scott, Vagner—20.

Thereupon the president announced that the convention had adopted the proposition in substitute for Files Nos. 19 and 22.

Substitute for Files Nos. 19 and 22 was referred to Committee No. 19.

Mr. Potter offered a resolution for the amendment of Rule 5.

The resolution was lost.

Mr. Morgan offered the following resolution, which was laid over under the rules.

Resolved, That the following be added to Rule 14: "All members shall be limited to fifteen (15) minutes for their first, and to five (5) minutes for their second speech on any question."

The president submitted the following communication from his excellency, the governor of the territory:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., Sept. 13, 1889.

Hon. M. C. Brown,
President Constitutional Convention,
Cheyenne, Wyo.

Sir:—I am in receipt of the following telegram:

"Dodge City, Kan., Sept. 12, 1889.

"Gov. Francis E. Warren, Cheyenne, Wyo.

The U. S. Senate Committee on Irrigation expect to be in Cheyenne next Wednesday.

"WM. M. STEWART, Chairman."

Which I have the honor to transmit for your information.

Respectfully,
FRANCIS E. WARREN, Governor.

On motion of Mr. Riner the convention adjourned until 10:30 o'clock a. m., Monday, Sept. 16th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary Constitutional Convention.

THIRTEENTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 16, 1889.

The convention was called to order at 10 o'clock a. m.

In the absence of the president Mr. Teschemacher was chosen president pro tem.

The president pro tem in the chair.

Prayer by the chaplain.

Roll call; 30 members present; by general consent absent members were excused by the convention.

Journal of previous session read and approved.

REPORTS OF STANDING COMMITTEES.

Committee No. 14 submitted the following report:

Mr. President:

Your committee to whom was referred File No. 31, return

That File No. 46 concerning the distribution of powrs, the same with the recommendation that it do not pass. We have incorporated the provisions of the file in a substitute, with other provisions, and we recommend that the substitute herewith returned, be adopted.

GEO. C. SMITH, Chairman.

On motion the report of the committee was accepted and substitute for File No. 31 ordered printed.

Committee No. 16 reported as follows:

Cheyenne, Sept. 16, 1889.

Mr. President:

Your committee No. 16 on federal relations, public lands and militia beg leave to report that they have had under consideration File No. 60, concerning federal relations, and report the same herewith and recommend the same for adoption, and each section adopted to be placed in the proper chapter of the constitution by the revision committee.

(Signed) H. G. NICKERSON, Chairman.
C. P. ORGAN,
GEO. W. FOX.

On motion the report was accepted and File No. 60 ordered printed.

Committee No. 10 presented the following report:

Mr. President:

Your Committee No 10 return herewith File Nos. 70 and 66, with the recommendation that the same be adopted.

GEO. W. FERRIS, Chairman.

Sept. 14, 1889.

On motion the report was accepted and Files No. 66 and 70 were ordered printed.

Committee No. 4 reported as follows:

COMMITTEE NO. 4, JUDICIAL REPORT.

Mr. President:

Your committe to whom was referred File No. 50 respectfully return the same with the recommendation that it do not pass. We present herewith a substitute embodying the provisions of said file as amended by the committee, together with other provisions which we recommend be adopted.

A. B. CONAWAY, Chairman.

On motion the report of Committee No. 4 was referred to the Committe of the Whole.

Mr. Johnston of the special committee to receive the United States senate committee on arid lands and irrigation, reported that the senate committee would arrive in this city at noon tomorrow.

On motion of Mr. Conaway the convention resolved to receive the United States committee on arid lands and irrigation tomorrow afternoon.

On motion of Mr. Elliott the convention went into committee of the whole.

Mr. Coffeen in the chair.

On arising the committee made the following report:

Cheyenne, Sept. 16, 1889.

Mr. President:

Your committee of the whole to whom was referred the report of Committee No. 14 on File No. 50 beg leave to report with recommendation that the substitute for said file be printed.

H. A. COFFEEN, Chairman.

On motion of Mr. Riner the report of the committe of the whole was adopted and substitute for File No. 50 ordered printed.

Mr. Baxter, in accordance with a notice previously given, offered amendment to rules No. 18 and 19.

The amendments were rejected.

The convention stood in recess until 2 o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at 2 o'clock p. m.

The president pro tem in the chair.

Mr. Hay by general consent submitted File No. 80.

"Concerning Salaries of Public Officers."

Read first time and referred to Committee No. 15.

There being no other business before the convention it adjourned until 9 o'clock Sept. 17th.

M. C. BROWN.

Attest:

JOHN K. JEFFREY, Secretary.

FOURTEENTH DAY

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 17, 1889.

The convention was called to order at 10 o'clock a. m.

Mr. President in the chair.

Roll call; forty members present; absent members heretofore excused by the convention.

Journal of previous session read and approved.

REPORT OF STANDING COMMITTEES.

Committee No. 5 presented a supplementary report on File No. 68, which report was ordered to be placed on general file with File No. 68.

Committee No. 10 reported adversely on File No. 78, and submitted a substitute for the same. Substitute placed on general file.

On motion of Mr. Teschemacher the convention went into committee of the whole for the consideration of the special order of the day, being File No. 68, and the amendments thereto submitted by Committee No. 5.

Mr. Morgan in the chair.

When the convention arose it reported progress and asked leave to sit again.

Mr. Riner moved a call of the house. Sustained by the convention.

The president ordered the sergeant-at-arms to close the doors.

The roll being called, fifteen members were absent.

The sergeant-at-arms was instructed to find the absentees.

On motion of Mr. Riner further proceedings under call of the house were dispensed with.

The convention, on motion, again resolved itself into a committee of the whole.

Mr. Burritt in the chair.

On arising the committee reported progress and asked leave to sit again.

The president submitted the following communication from his excellency, the governor of the territory:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., Sept. 16, 1889.

Honorable President Constitutional Convention, Cheyenne, Wyoming.

Sir:—Some time last year an Inter-State Deep Harbor Convention was held at Denver, Colo., and was largely attended by delegates from the southwest and western states and territories. A convention has now been called by his excellency, Lyman U. Humphrey, governor of Kansas, to meet at Topeka, Oct. 1st next. The appointment provides for four delegates from each congressional district, one of whom shall be the member or delegate in congress. Under this apportionment Wyoming is entitled, in addition to the delegate in congress, to three members, to be appointed by the governor.

I have the honor to suggest that the constitutional convention may, through its president or proper committee, present to this office the names of three or more persons from different localities of the territory if possible, who will attend the Deep Harbor Convention in the interests of Wyoming territory.

It is believed the subject is one of great importance and I trust may receive your co-operation and advice.

I will take pleasure in appointing such nominees as you may suggest.

Respectfully,
FRANCIS E. WARREN, Governor.

Thereupon the convention stood in recess until 1:45 o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at 1:45 o'clock p. m.

Mr. President in the chair.

On motion of Mr. Baxter an invitation was extended to the United States senate committee on arid lands and irrigation to meet this convention at 9 o'clock tomorrow morning.

The convention thereupon adjourned until 9 o'clock a. m. Sept. 18th.

M. C. BROWN, President.
Attest: J. K. JEFFREY, Secretary.

FIFTEENTH DAY

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept 18, 1889.

The convention reassembled at 9 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; no quorum present.

On motion of Mr. Elliott a call of the house was ordered.

The roll being called, twenty-two members were present.

The president ordered the closing of the doors, and directed the sergeant-at-arms to request the attendance of absent members.

A quorum being present, on motion of Mr. Teschmacher further proceedings under the call of the house were dispensed with.

The journal of the previous session was read and approved .

The president announced that owing to the absence of Mr. Downey he had appointed Mr. Hoyt to act temporarily as member of the committees Nos. 1 and 20; also that United States Senator Stewart had been requested by the special committee to address this convention, and that the senator had expressed a willingness to do so at 7:30 this evening.

REPORTS OF STANDING COMMITTEES.

Committee No. 11 submitted the following report:

Cheyenne, Sept. 17, 1889.

Mr. President:

Your Committee No. 11, to which was referred Files No. 7, 26, 27, 41, 54 and 55, report the same back with the recommendation that they be not adopted. Your committee further present a substitute for the above files, which they propose to be incorporated in the constitution.

M. N. GRANT, Chairman.

H. S. ELLIOTT, Secretary.

D. A. PRESTON,
H. F. MENOUGH,
H. A. COFFEEN,
HENRY G. HAY,
DeFORREST RICHARDS.

(Except as to Sections 2, 3, 4, 5, 10 and 14).

(Except as to Sections 2, 3, 4, 5, 10 and 14 in article on revenue).

On motion the substitute submitted by Committee No. 11 was ordered printed.

On motion of Mr. Morgan it wasresolved that this convention hereafter meet in evening session at 7:30 o'clock, and that the morning session commence at 9 o'clock.

On motion of Mr. Teschemacher the convention resolved itself into a committe of the whole for the consideration of the
itself into a committe of the whole for the consideration of the
general file.

Mr. Coffeen in the chair.

When the committee arose it submitted the following report:

Cheyenne, Sept. 18, 1889.

Mr. President:

Your committee of the whole to whom was referred File No. 68, with the amendments thereto, submitted by Committee No. 5, beg leave to report with the following recommendations:

That the substitute for section 1 recommended by Committee No. 5 be adopted.

That section 2 be amended by:

1st. By striking out the words "six months" and by inserting in lieu thereof the words "one year."

2d. By adding the words "except as herein otherwise provided."

3d. By inserting the words "or Territory" after the word "State."

That Sec. 5 be amended by striking out the word "full" in said section.

That a new section be added to be known as Sec. 10. Nothing herein contained shall be construed to deprive any person of the right to vote, who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section 6 of this article. After the expiration of five years from the time of the adoption of this constitution none but citizens of the United States shall have the right to vote.

That Sec. 10 be renumbered Sec. 11.

That the following new section be added as Sec. 12:

Sec. 12. No person qualified to be an elector of the state of Wyoming shall be allowed to vote at any general or special election hereafter to be holden in the state until he or she shall have registered as a voter according to law.

The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment but shall never be repealed, but this section shall not apply to the first election held under this constitution.

And that said File No. 68, as thus amended, be adopted.

Your committee has also duly considered the propositions in the general file and submit the following recommendations:

That substitute for File No. 78 be adopted.

That File No. 70 be adopted.

That substitute for Files No. 17 and 40 be referred back to Committee No. 10.

H. A. COFFEEN, Chairman.

On motion of Mr. Riner the report of the committee of the whole was adopted.

File No. 68, substitute for File No. 78 and File No. 70 were ordered to be engrossed.

On motion of Mr. Teschemacher, the president was requested to escort U. S. Senator Stewart to the hall of the convention this evening.

The convention thereupon stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention re-assembled at two o'clock p. m.

Mr. President in the chair.

On motion of Mr. Burritt the convention resolved itself into a committee of the whole.

Mr. Holden in the chair.

Upon arising the committee made the following report:

Mr. President:

Your committee of the whole having had under consideration the general file beg leave to report with the following recommendation:

That File No. 66 be referred back to Committee No. 10.

And your committee reports progress and asks leave to sit again.

C. W. HOLDEN, Chairman.

On motion of Mr. Jeffrey the report was adopted.

The convention thereupon stood in recess until 7:30 o'clock p. m.

EVENING SESSION.

The convention re-assembled at 7:30 o'clock p. m.

Mr. President in the chair.

By general consent Mr. Hoyt, of Committee No. 7, made the following report:

Mr. President:

Your Committee No. 7 herewith return File No. 59, without approval; also Files No. 8 and 28 which have been incorporated in a substitute, together with other provisions, and recommend that the substitute be adopted.

JOHN W. HOYT,
A. B. CONWAY,
C. N. POTTER,
E. S. N. MORGAN.

September 18th 1889.

On motion the substitute submitted by Committee No. 7 was ordered printed.

The president introduced to the convention Hon. Wm. Stewart, U. S. Senator. from Nevada, and Major Powell, chief of the U. S. Geological Survey, who addressed the convention.

Mr. Morgan thereupon offered the following resolution which was adopted by a unanimous vote:

Resolved, That this convention most heartily thank Senator Stewart and Major Powell for their able and instructive address this evening; and that we will ever gratefully remember them as true friends of Wyoming.

On motion of Mr. Fox the convention adjourned until 9 o'clock a. m. Sept. 19th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

SIXTEENTH DAY

HALL OF CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 19, 1889,

The convention was called to order at nine o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 40 members present; absent members heretofore excused by the convention.

Journal of the previous session read and approved.

PROPOSITIONS.

The following propositions were read first time and referred:

File No. 81. By Mr. Hoyt.
"Declaration of Rights."
Referred to Committee No. 1.

File No. 82. By Mr. Palmer.
"Police Powers."
Referred to Committee No. 10.

Committee No. 19 reported as follows:

Cheyenne, Sept. 19, 1889.

Committee No. 19 herewith return Files No. 68 and 70, and substitute for File No. 78, as properly engrossed.

H. E. TESCHEMACHER, Chairman.

The president submitted a communication from Mr. Posey S. Wilson relative to the naming of the new state; referred to Committee No. 6.

Committee No. 8 reported as follows:

Cheyenne, September 19, 1889.

Mr. President:

Your committee No. 8 having had under consideration Files No. 35 and 57 report that they have agreed upon a substitute and return the same herewith and recommend that it be incorporated in the constitution.

J. A. JOHNSTON, Chairman.

On motion the substitute submited by Committee No. 8 was placed on the general file.

The president presented the following communication:

Rawlins, Wyoming, Sept. 16, 1889.

Hon. M. C. Brown, Cheyenne, Wyo.

Dear Sir:—I regret to have to inform you that business matters, over which I have no control, compel me to leave this morning for the north instead of Cheyenne, as anticipated. I can assure you it has been no trifling matter that has kept me absent from the constitutional convention. Wishing you great success, and again apologizing for my inability to attend, I am,

Yours truly,
J. C. DAVIS.

Final Reading.

File No. 68 being taken up for final reading Mr. Clark submitted the following amendment to Sec. 5: "Add to said section: "or shall have legally declared within this Territory his intention to become such at least one year prior to the election at which said seeks to cast his vote."

The amendment was lost.

Mr. Clark moved an amendment to Sec. 5. Add to said section: "or shall have legally declared within this territory his intention to become such at least one year prior to the election at which said elector seeks to cast his vote."

The amendment was lost.

Mr. Clark moved to amend by striking out Section 9.

The yeas and nays were called for and sustained by the convention on this amendment, and resulted as follows:

Yeas—Messrs. Baldwin, Baxter, Campbell, Casebeer, Clark, Conaway, Irvine, Jones, Menough, Morgan, Potter, Preston, Riner, Russell, Vagner.—15.

Nays—Messrs. Barrow, Burdick, Burritt, Butler, Chaplin, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Jeffrey, Johnston, Morris, McCandlish, Nickerson, Palmer, Reid, Richards, Smith, Teschemacher, Mr. President. —26.

Absent—Messrs. Downey, Ferris, Frank, Knight, McGill, Organ, Scott, Sutherland.—8.

Thereupon the president announced that the convention had refused to strike out section 9.

Mr. Riner moved to amend by striking out section 10.

The yeas and nays on this amendment were called for and sustained by the convention, resulting as follows:

Yeas—Messrs. Elliott, Fox, Menough, Preston, Riner.—5.

Nays: Messrs. Baldwin, Barrow, Baxter, Burdick, Burritt, Butler, Campbell, Casebeer, Chaplin, Clark, Conaway, Foote, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnson, Jones, Morgan, Morris, McCandlish, Nickerson, Palmer, Potter, Reid, Richards, Russeel, Smith, Teschemacher, Vagner, Mr. President, Coffeen—36.

Absent: Messrs. Downey, Ferris, Frank, Knight, McGill, Organ, Scott, Sutherland—8.

The president thereupon announced that the convention had refused to strike out Sec. 10.

Mr. Holden moved to amend Sec. 9 by striking out the last sentence of said section.

The motion prevailed, and File No. 68 was amended by striking out the last sentence of Section 9.

Mr. Smith moved to amend by striking out Section 9 as amended.

The yeas and nays were called for on this amendment and sustained by the convention, resulting as follows:

Yeas: Messrs. Campbell, Casebeer, Clark, Conaway, Foot, Irvine, Jones, Menough, Morgan, Potter, Preston, Riner, Russell, Smith, Vagner—15.

Nays: Messrs. Baldwin, Barrow, Baxter, Burdick, Burritt, Butler, Chaplin, Coffeen, Elliott. Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Jeffrey, Johnston, Morris, McCandlish, Nickerson, Palmer, Reid, Richards, Teschemacher, Mr. President—26.

Absent: Messrs. Downey, Ferris, Frank, Knight, McGill, Organ, Scott, Sutherland—8.

Thereupon the president announced that the convention had refused to strike out Sec. 9 as amended.

Mr. Campbell moved a reconsideration of the vote by which the last section of Sec. 9 had been stricken out.

The convention by a rising vote decided not to reconsider said vote.

Mr. Potter moved the following amendment to Sec. 12: Add after the word "law" inthe seventh line of said section the following: "unless the failure to register is caused by sickness or absence, for which provision shall be made by law.

The amendment prevailed.

File No. 68 as amended was then ordered to a final reading.

The yeas and nays on the adoption of the proposition in File No. 68 as amended resulted as follows:

Yeas: Messrs. Barrow, Baxter, Burdick, Burritt, Butler Campbell, Chaplin, Coffeen, Elliott, Foot, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Morgan, Morris, McCandlish, Nickerson, Palmer, Potter, Reid, Sutherland, Teschemacher, Mr. President—30.

Nays: Messrs. Baldwin, Casebeer, Clark, Conaway, Jones, Menough, Preston, Richards, Riner, Russell, Smith, Vagner—12.

Absent: Messrs. Downey, Ferris, Frank, Knight, McGill, Organ, Scott—7.

The president thereupon announced that the convention had adopted the proposition in File No. 68 as amended, as a part of the Constitution of the State of Wyoming.

File No. 70 was then ordered to a final reading, and pending the question, the convention stood in recess until 7:30 o'clock p. m.

EVENING SESSION.

The convention re-assembled at 7:30 o'clock p. m.

Mr. President in the chair.

By general consent Mr. Richards presented File No. 83, "relating to salaries of public officers." Referred to Committee No. 15.

FINAL READING.

File No. 70 having been finally read was adopted by the following vote:

Yeas: Messrs. Baldwin, Barrow, Baxter, Burdick, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Foot, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Jeffrey, Johnston, Jones, Knight, Menough, Morgan, Morris, Nickerson, Palmer, Reid, Richards, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—38.

Nays: None.

Absent: Messrs. Butler, Downey, Ferriss, Frank, Irvine, McCandlish, McGill, Organ, Potter, Preston, Scott—11.

The president thereupon announced that the convention had adopted the proposition in File No. 70 to be embodied in the constitution.

By general consent Committee No. 13 submitted the following report:

September 19, 1889.

To the President of the Convention:

We, your Committee No. 13, on corporations, beg leave to report that we have examined Files No. 11, 38, 42 and 72, referred to our committee, and return herewith the same with a general substitute therefor and recommend the adoption of the same, with the statement that F. M. Foot and C. W. Burdick, members of this committee, withhold their approval of Sec. No. 8, and C. N. Potter withholds his approval of Secs. 5, 8 and 12.

Respectfully Submitted,
H. A. COFFEEN,
F. M. FOOTE,
C. W. BURDICK,
JNO. L. RUSSELL,
GEORGE W. BAXTER.

On motion of Mr. Riner the substitute for Files No. 11, 38, 42 and 72, submitted by Committee No. 13, was ordered printed.

The final reading of File No. 78 having been ordered it was adopted by the following vote:

Yeas: Messrs. Baldwin, Barrow, Baxter, Burdick, Burritt, Campbell, Casebeer, Chaplin, Coffeen, Conaway, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Jeffrey, Johnston, Jones, Knight, Menough, Morgan, Morris, Nickerson, Palmer, Reid, Richards, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President.—37.

Nays—none.

Absent—Messrs. Butler, Clark, Downey, Ferris, Frank, Irvine, McCandlish, McGill, Organ, Potter, Preston, Scott.—12.

Thereupon the president announced that the convention had adopted the proposition in File No. 78 to be embodied in the constitution.

On motion of Mr. Teschemacher the convention went into committee of the whole.

Mr. Burritt in the chair.

Upon arising the committee made the following report:

Cheyenne, Sept. 19th, 1889.

Mr. President:

Your committee of the whole to whom was referred the general file. beg leave to report that the same has had due consideration and is returned with the following recommendations:

That the first and second sections of the amendment to file No. 76 adopted in committee of whole, Sept. 18th, be referred to Committee No. 2, and that the remainder of File No. 76 be referred to Committee No. 6.

And your committee reports progress in theconsideration of substitute for Files No. 51 and 56, and asks leave to sit again.

C. H. BURRITT, Chairman.

Files No. 70 and 80 were referred to Committee No. 19.

On motion the report of the committee of the whole was adopted.

The convention then adjourned until 9 o'clock a. m., Sept. 20th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

SEVENTEENTH DAY

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 20, 1889.

The convention was called to order at nine o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 38 members present.

Absent members heretofore excused by the convention.

Journal of previous session read and approved.

On motion of Mr. Elliott the communication of His Excellency, Governor F. E. Warren, relating to the Inter State Deep Harbor convention to be holden at Topeka, Kan., Oct. 1st, was referred to Committee No. 10, with the request for an immediate report.

REPORTS OF STANDING COMMITTEES.

Committee No. 10 made the following reports:

Cheyenne, Sept. 19th, 1889.

Mr. President:

Your Committee No. 10, to whom was referred File No. 82, beg leave to report that the same has been duly considered and is herewith returned with the recommendation that the proposition be adopted.

THOS. R. REID, Acting Chairman.

Mr. President:

Your committee No. 10, to whom was re-referred File No. 66, report that they have complied with the suggestion of your convention, and return said file herewith.

THOS. R. REID, Acting Chairman.

On motion Files No. 66 and 82 reported back by Committee No. 10 were referred to the general file.

By general consent Committee No.10 submitted File No. 84, concerning "Boards of Arbitration;" ordered printed.

By general consent the following named gentlemen were excused:

Mr. Richards, from day to day until his return. Mr. Butler, for today and tomorrow, and Messrs. Organ and Riner for today's session.

On motion of Mr. Burritt substitute for Files No. 35 and 57 was made the special order for to-morrow.

Mr. Baxter moved that the convention resolve itself into committee of the whole. So ordered.

Mr. Teschemacher in the chair.

On arising the committee reported as follows:

Cheyenne, Sept. 20, 1889.

Mr. President:

Your committee of the whole to whom was referred the general file beg leave to report with the following recommendations:

That substitute for Files No. 51 and 56 be amended in Sec. 3 by inserting in line 3 after the word "office" the words "or his absence from the state."

Amend Sec. 13 in the fifth line by striking out the words "fifteen hundred" and inserting in lieu thereof the words "two thousand."

That the amendment submitting a new section, No. 16, be referred to Committee No. 4.

That Sec. 11 be amended by adding the following:

"The legislature may provide for such other state officers as may be deemed necessary."

And that substitute for Files No. 51 and 56 thus amended be adopted.

That substitutes for Files No. 9 and 36 be amended as follows:

Strike out all of Sec. 2 after the words "United States" in the sixth line. Substitute the following for Sec. 4:

"No military organization under the laws of the state shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

Amend Sec. 5 by inserting in first line after the word "chief" the words "of the military forces of the state."

And that substitute for Files No.9 and 36 thus amended be printed.

H. E. TESCHEMACHER, Chairman.

On motion the report of the committee was adopted.

Mr. Potter moved that substitutes for Files No. 9 and 36 and substitute for Files No. 51 and 56 be engrossed. So ordered.

On motion of Mr. Hoyt, the thanks of the convention were were extended to the publishers of the Laramie Boomerang, Bill Barlow's Budget and Carbon County Journal for copies of their publications.

On motion of Mr. Campbell File No. 50 was made the special order for this evening.

The convention thereupon stood in recess until 7:30 o'clock p. m.

EVENING SESSION.

The convention reassembled at 7:30 o'clock p. m.

Mr. President in the chair.

On motion the convention resolved itself into committee of the whole for the consideration of the special order.

Mr. Burritt in the chair.

On arising the committee made the following report:

Cheyenne, Sept. 20, 1889.

Mr. President:

Your committee of the whole, to whom was referred substitute for File No. 50, beg leave to report that the same has been duly considered and is returned with the following recommendations:

Amend Sec. 1 in the second line by inserting after "justice of the peace" the words "courts of arbitration."

Amend Sec. 4 by inserting in line 16 before the word "vacancy" the words "unexpired term occasioned by such."

Insert the following as Sec. 6 and renumber the remaining sections accordingly.

"Sec. 6. In case a judge of the supreme court shall be in any way interested in a cause brought before said court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

Amend Sec. 12 by inserting in line 2, before the word "appointed," the words "or in case of vacancy."

Amend Sec. 12 by striking out the last sentence and inserting in lieu thereof "and with such duties and compensation as may be prescribed by law."

Amend Sec. 13 by striking out all of line eight and all after the word "duties" in the seventh line, and inserting in lieu thereof the words "and receive such compensation as shall be prescribed by law."

Amend Sec. 16 by striking out in the fourth and fifth lines the words "not be less than twenty-five hundred dollars," and inserting in lieu thereof the words "be as may be prescribed by law."

Amend Sec. 18 by inserting at the beginning of said section the words:

"Until otherwise provided by law."

Amend Sec. 22 by striking out the words "county court" in first line.

That substitute for File No. 50, except the last section be adopted, and the committee ofthe whole ask for further time in the consideration of the last section of said file.

C. H. BURRITT, Chairman.

The report of the committe of the whole was adopted, and substitute for File No. 50, excepting the last section, was orbered engrossed.

The convention threupon adjourned until 9 o'clock a. m. Sept. 21st.

EIGHTEENTH DAY

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 21, 1889.

The convention was called to order at 9 o'clock a. m.
Mr. President in the chair.
Prayer by the chaplain.

Roll call; thirty-nine members present; absent members heretofore excused by the convention.

Journal of previous session read and approved.

PROPOSITIONS.

The following propositions were presented and referred:

File No. 85. By Mr. Jones.

"Concerning Labor."

Ordered printed and referred to Committee No. 10.

File No. 86. By Committee No. 16.

"Public Lands and Donations."

Ordered printed.

REPORTS OF STANDING COMMITTEES.

Committee No. 16 submitted the following report:

CONSTITUTIONAL CONVENTION, WYOMING,
Cheyenne, Sept. 20, 1889.

Mr. President:

Your Committee No. 16 beg leave to report that they have had under consideration File No. 15, which was referred to this committee, and the same is returned without recommendation as the substance is embodied in the report herewith on public lands, which is recommended for adoption in the constitution.

Signed, H. G. NICKERSON,
Chairman,
GEO. W. FOX,
H. F. MENOUGH,
C. P. ORGAN.

On motion File No. 86, submitted by Committee No. 16, "concerning public lands and donations," was ordered printed.

On motion of Mr. Johnson the convention went into committee of the whole for the consideration of the special order. Substitute for Files No. 35 and 57.

Mr. Irvine in the chair.

On arising the committee made the following report:

Cheyenne, Wyo., Sept. 21, 1889.

Mr. President:

Your committee of the whole, to whom was referred substitue for Files No. 35 and 57, have had the same under consideration, and beg leave to report with the following recommendations:

Amend Sec. 3 of said file by inserting after the word "appropriation" in the first line the words "for beneficial uses."

Amend Sec. 3 in second line by inserting after the word "when" the words "such denial is."

Strike out Sec. 6.

And that substitute for Files No. 35 and 57 be adopted as amended.

W. C. IRVINE, Chairman.

The report of the committee of the whole was adopted.

Committee No. 19 reported substitute for Files No. 9 and 36, and substitute for Files No. 51 and 56 properly engrossed.

On motion of Mr. Chaplin, the committee on revision was authorized to raise the several articles of the constitution as they are adopted by this convention.

By unanimous consent Committee No. 6 was permitted to make a report, and said report was received.

Pending the reading of the report of Committee No. 6 the convention stood in recess until 2 o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at 2 o'clock p. m.

Mr. President in the chair.

The report of Committee No. 6, as follows, was read:

Mr. President:

We, your committee on boundaries and apportionment, beg leave to submit the following sections as an apportionment article for the Constitution of the State of Wyoming and recommend its adoption.

File No. 76 is returned herewith.

M. C. BARROW,
Chairman,
H. E. TESCHEMACHER,
J. A. CASEBEER,
E. J. MORRIS,
F. M. FOOTE,

Referred to the general file.

By general consent Committee No. 9 made the following report:

Mr. President:

Your Committee No. 9 report the following and recommend its adoption.

J. L. RUSSELL,
H. G. NICKERSON,
GEO. W. FOX,
C. L. VAGNER,

I approve of the above report with the exception of Sec. 5.

LOUIS J. PALMER.

The proposition referred to in the foregoing report being File No. 87, "concerning coal mines," was then read first time, referred to Committee No. 10 and ordered printed.

Committee No. 2 by general consent submitted the following report:

Cheyenne, Sept. 21, 1889.

Mr. President:

Your Committee No. 2, to whom was referred Secs. 3 and 4 of File No. 76 as amended, beg leave to submit majority and minority reports on said sections.

E. S. N. MORGAN, Chairman.

H. S. ELLIOTT, Secretary.

Referred to the general file.

Committee No. 6 submitted the following minority report:

Cheyenne, Sept. 21st, 1889.

Mr. President:

A minority of your committee No. 6 beg leave to report a substitute for section 4 of the majority report and recommend the adoption of the same as a substitute for said section 4.

Respectfully submitted,
H. A. COFFEEN.
J. M. McCANDLISH.

Referred to general file.

Substitute for Files No. 35 and 57 was ordered engrossed.

By general consent Mr. Baldwin was excused from attendance from day to day until his return.

FINAL READING.

A substitute for Files No. 9 and 36 as amended having been finally read, the yeas and nays were ordered on its adoption, resulting as follows:

Yeas—Messrs. Barrow, Baxter, Burdick, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Fox, Grant, Harvey, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Reid, Riner, Russell, Sutherland, Tesehemacher, Vagner, Mr. President.—35.

Nays—none.

Absent—Messrs. Baldwin, Butler, Downey, Ferris, Foote, Frank, Hay, Holden, Knight, Menough, McGill, Richards, Scott, Smith.—14.

The president thereupon announced that the convention had adopted substitute for Files No. 9 and 36 to be incorporated in the constitution.

Substitute for Files No. 51 and 56 as amended having been finally read, the yeas and nays were ordered on its adoption, resulting as follows:

Yeas—Messrs. Barrow, Baxter, Burdick, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Fox, Grant, Hay; Harvey, Hopkins, Hoyt; Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Reid, Riner, Russell, Sutherland, Teschemacher, Vagner, Mr. President.—36.

Nays—none.

Absent—Messrs. Baldwin, Butler, Downey, Ferris, Foote, Frank, Holden, Knight, Menough, McGill, Richards, Scott, Smith.—13.

The president thereupon announced that the convention had adopted substitute for Files No. 51 and 56 to be incorporated in the constitution.

On motion of Mr. Riner substitute for File No. 50 was considered the engrossed copy recalled from the committee on engrossment, and taken up for consideration and final reading.

Mr. Potter offered the following amendment to Section 4: Substitute the following:

"Sec. 4. The Supreme Court shall consist of four justices, to be chosen in districts by the electors thereof, and their term of office shall be six years. The number of justices and districts may be increased but shall not exceed five until the population of the state shall amount to one hundred and fifty thousand and the boundaries of districts may be changed, but no change of district shall have the effect to remove a judge from office during the term for which he may have been elected or appointed, or require him to change his residence without his consent."

The yeas and nays were called for on this amendment and sustained by the convention, and resulted as follows:

Yeas: Messrs. Barrow, Casebeer, Chaplin, Coffeen, Elliott, Hay, Irvine, Jeffrey, Jones, Morgan, Moris, McCandlish, Nickerson, Organ, Potter, Reid, Sutherland—17.

Nayes: Messrs. Baxter, Burdick, Burritt, Campbell, Clark, Conaway, Fox, Grant, Harvey, Holden, Hopkins, Hoyt, Johnston, Palmer, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—21.

Absent: Messrs. Baldwin, Butler, Downey, Ferris, Foot, Frank, Knight, Menough, McGill, Richards, Scott—11.

The president anounced that the convention had refused to adopt the amendment.

Substitute for File No. 50 as amended having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Barrow, Baxter, Burdick, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—37.

Nays: Mr. Sutherland—1.

Absent: Messrs. Baldwin, Butler, Downey, Ferris, Foot, Frank, Knight, Menough, McGill, Richards, Scott—11.

The president thereupon announced that the convention had adopted substitute for File 50 to be incorporated in the constitution.

Substitute for File 50 was referred to Committee No. 19.

Mr. Teschemacher of Committee No. 19 reported substitute for Files No. 35 and 57 properly engrossed.

Mr. Chaplin of the committee on printing reported that Mr. E. A. Slack had indicated an unwillingness to continue the work of printing for this convention and suggested that the committee be authorized to give the printing hereafter to the next lowest bidder.

On motion the matter was referred to the committee on printing, with full power to act.

The convention ordered the final reading of substitutes for Files No. 35 and 57 as amended.

Mr. Coffeen moved to amend by striking out Sec. 3.

Mr. Elliott moved an amendment to the amendment by adding to Sec. 3 the following: "But priority of appropriation shall not be conclusive in determining the better right."

Mr. Coffeen accepted the amendment.

The convention by a rising vote refused to adopt the amendment.

Mr. Fox moved to strike out Sec. 3.

The convention refused to strike out Sec. 3.

Substitute for Files No. 35 and 57 as amended having been finally read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Barrow, Baxter, Burdick, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, Nickerson, Organ, Palmer, Potter, Preston, Reid, Riner, Russell, Sutherland, Teschemacher, Vagner. —35.

Nays—Messrs. Smith and Mr. President.—2.

Absent—Messrs. Baldwin, Butler, Downey, Ferris, Foote, Frank, Knight, Menough, McCandlish, McGill, Richards, Scott. —12.

Thereupon the president announced that the convention had adopted substitute for files No. 35 and 57 to be incorporated in the constitution.

Substitute for files No. 35 and 57 was referred to Committee No. 19.

On motion of Mr. Hay the convention resolved itself into a committee of the whole for the consideration of the majority and minority reports of Committees No. 6 and 2 on File No. 76.

Mr. Campbell in the chair.

On arising the committee reported as follows:

Mr. President:

Your committee of the whole to whom were referred the majority and minority reports of Committees No. 6 and 2 relative to File No. 76 beg leave to report that the same have been duly considered and they are returned with the recommendation that the majority report of Committee No. 6 on File No. 76 be adopted.

And your committee reports progress and asks leave to sit again.

A. C. CAMPBELL, Chairman.

On motion the report of the committee of the whole was adopted.

The convention then adjourned until 9 o'clock a. m. Sept. 23d.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

NINETEENTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept 23, 1889.

The convention was called to order at nine o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; no quorum present.

On motion of Mr. Elliott a call of the house was ordered.

The president ordered the sergeant-at-arms to close the doors and to request the attendance of absent members.

A quorum being present further proceedings under call of the house were on motion of Mr. Elliott, dispensed with.

Journal of previous session read and approved.

REPORTS OF STANDING COMMITTEES.

Committee No. 1 submitted the following report:

Mr. President:

Your committee No. 1 returns files numbered 1-20-21-44 and 53 not approved. Portions of file 81 have been incorporated in the draft of a Bill of Rights, herewith submitted with the recommendation that it be adopted.

GEO. W. BAXTER,
JOHN W. HOYT.

Cheyenne, Wyo., Sept. 23, 1889.

The proposition of Committee No. 1 being File 88 on "Preamble" was ordered printed.

Messrs. Barrow and Burdick were excused from attendance for the day.

Committee No. 17 reported as follows:

Cheyenne, Sept. 23d, 1889.

To the President and Members of the Wyoming Constitutional Convention.

Gentlemen:—We your committee on printing accounts and expenses beg leave to report that the contract for the balance of the printing required by this convention has been let to the Bristol & Knabe Printing Co. under the same conditions and subject to the same terms of payment as the former agreement with the Cheyenne Daily Sun.

Very Respectfully,
W. E. CHAPLIN,
HENRY G. HAY,
J. A. CASEBEER.

On motion the report of Committee No. 67 was adopted.

Mr. Johnston submitted the following resolution which was referred to Committee No. 8:

Resolved, That it is the sense of this convention, that the effort that is being made to establish a deep water harbor on the Texas coast has our approbation and that our representative at Washington be requested to use his best endeavors to secure the building of such harbor or harbors.

On motion of Mr. Burritt the convention went into committee of the whole for the consideration of the majority and minority reports on the amendment to File No. 76 and the general file.

Mr. Riner in the chair.

Upon arising the committee reported as follows:

Mr. President:

Your committee of the whole to whom were referred the majority and minority reports on the amendments to File 76, beg leave to report with the following recommendations:

Amend majority report of Committee No. 2 by striking out "1,400" wherever it may appear and inserting in lieu thereof "1.200;" also by inserting "16" in lieu of "13" as the number of senators, and "33" instead of "30" as the number of representatives.

Your committee further recommends the reconsideration of the vote adopting the majority report of Committee No. 6, also that the additional three representatives be apportioned to Converse, Johnson and Sheridan counties, and that File No. 76, as amended, be adopted.

J. A. RINER, Chairman.

On motion the report was adopted.

File No. 76, as amended, was ordered engrossed.

The convention thereupon stood in recess until 3 o'clock p. m.

AFTERNOON SESSION.

The convention re-assembled at three o'clock p. m.

Mr. President in the chair.

The general consent committee No. 10 submitted the following report:

Mr. President:

We, your committee No. 10, to whom was referred the communication from the governor in regard to the Deep Water Convention do respectfully recommend the following gentlemen as delegates from Wyoming:

Hon. Elwood Mead, Cheyenne,
Mr. A. V. Quinn, Evanston,
Hon. H. A. Coffeen, Sheridan.

Respectfully submitted,
THOMAS R. REID, Chairman.

On motion of Mr. Burritt the report was adopted.

Committee No. 19 reported Articles 2 and 3 prepared for the constitution.

Mr. Campbell gave the following notice:

Mr. President:

I hereby give notice that I will move for an amendment of the rules by making a new committee to be known as a committee on address to the people and to congress.

Committee No. 8 submitted the following report:—

Cheyenne, Wyo., Sept. 23, 1889.

Mr. President:

Your committee on irrigation having under consideration resolution relative to Deep Water Harbors on the Texas coast of the Gulf of Mexico, recommend the adoption of the accompanying resolutions.

J. A. JOHNSTON, Chairman.

Whereas, the Territory of Wyoming has great agricultural, mineral and industrial interests that require for their development, trunk lines of railroads, running north and south, and extending from the British Columbian provinces to the Gulf of Mexico, thereby opening up to its farmers, miners, and artisans, additional markets, and to enable them to compete with the states nearer the seaboard, and enabling them to exchange the products of its country for the products of the south.

Whereas, these results must and will be materially advanced by the establishment and maintenance of a deep water harbor or harbors on the Gulf of Mexico.

Now, therefore, Be it Resolved by the delegates of the constitutional convention of the Territory of Wyoming, that the establishment of a deep water harbor or harbors on the Texas coast of the Gulf of Mexico, meets with the approbation of this convention; that our president and secretary are hereby instructed to forward to the Deep Water Harbor Convention, about to convene in the city of Topeka, Kansas, a copy of these resolutions, and that they also furnish a copy to our delegate in congress, the Hon. Joseph M. Carey, accompanying the same with the request that our delegate use his best endeavors to secure the establishment of such harbor or harbors.

On motion the foregoing resolutions were adopted and referred to Committee No. 19 for engrossment.

On motion the convention resolved itself into committee of the whole for the consideration of the general file.

Mr. Elliott in the chair.

On arising the committee made the following report:

Mr. President:

Your committee of the whole having had under consideration the general file, beg leave to report with the following recommendations:

That File No. 66 be adopted.

That substitute for File No. 82 be adopted.

That Section 28 of substitute for File No. 50 be adopted.

That substitute for File No. 31 be amended in section 2 by striking out all after the word "and" in the third line, and inserting the following, "Common carriers and as such must be made, by law to extend the same equality and impartiality to all who use them ,excepting employees and their families, whether individuals or corporations."

And that said files, as amended, be adopted.

That File No. 60 be amended by substituting the following for section 4 of said file:

"All debts and liabilities of the Territory of Wyoming shall be assumed and paid by this State," and that, as amended, File No. 60 be adopted.

That substitute for File No. 84 be adopted.

That substitute for Files No. 7, 26, 27, 41, 54, and 55 be made the special order for Tuesday afternoon, Sept. 24th.

And your committee respectfully asks leave to sit again.

H. S. ELLIOTT, Chairman.

The report of the committee of the whole was adopted, and the files recommended for adoption ordered engrossed.

The convention thereupon stood in recess until 7:30 o'clock p. m.

EVENING SESSION.

The convention re-assembled at 7:30 o'clock p. m.

Mr. President in the chair.

On motion of Mr. Riner the convention went into committee of the whole for the consideration of the general file.

Mr. Johnston in the chair.

On arising the committee reported as follows:

Mr. President:

Your committee of the whole to whom was referred the general file beg leave to report that the same has been duly considered and is returned with the following recommendation:

That File No. 85 be adopted.

And your committee respectfully report progress and asks leave to sit again.

J. A. JOHNSTON, Chairman.

On motion the report was adopted and File No. 85 ordered engrossed.

On motion the convention adjourned until 9 o'clock a. m. Sept. 24th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

TWENTIETH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 24, 1889.

The convention was called to order at nine o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 33 members present; absent members heretofore excused by the convention.

Journal of previous session read and approved.

On motion of Mr. Riner the convention resolved itself into a committee of the whole for the consideration of the general file.

Mr. Chaplin in the chair.

On arising the committee made the following report:

Mr. President:

Your committee of the whole who have had under consideration the general file, beg leave to report with the following recommendations:

That substitute for files No. 11, 38, 42 and 72 "On Corporations" be amended by substituting the following for Sec. 3:

"All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which framed and which shall not have been maintained in good faith to the time of the adoption of this constitution shall thereafter have no validity."

Add to Sec. 5 the words "Shall be void."

Amend Sec. 5 by striking out the first part up to "enacted" in second line and inserting in lieu thereof the words "No law shall be."

Amend Sec. 6 so as to read as follows:

Sec. 6. No corporation organized under the laws of Wyoming territory or any other jurisdiction than this state shall be permitted to transact business in this state, until it shall have accepted the constitution of this state and filed such acceptance in accordance with the laws thereof."

Strike out Section 7.

Amend Sec. 10 in the third line by striking out the word "thereon" and inserting in lieu of it the word "thereof."

Strike out Section 11.

Strike out Section 12.

Strike out Section 4.

Amend Sec. 1, by striking out the first sentence and inserting in lieu thereof the words:

"The legislature shall provide for the organization of corporations by general law."

And your committee respectfully recommends that said file, as amended, be adopted.

W. E. CHAPLIN, Chairman.

On motion the report of the committee was adopted and substitutes for Files 11, 38, 42 and 72, as amended, was ordered engrossed.

Committee No. 19 reported as follows:

Mr. President:

Your Committee No. 19 beg leave to return herewith Files No. 66, 82 and 84, and Sec. 27 of substitute for File No. 50 as properly engrossed.

H. E. TESCHEMACHER, Chairman.

The convention thereupon stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at two o'clock p. m.

Mr. President in the chair.

Committee No. 19 reported substitute for File No. 76, properly engrossed.

By general consent Committee No. 5 made the following report:

Cheyenne, Wyo., Sept. 24, 1889.

Mr. President:

Your Committee No. 5, having had under consideration Files No. 5, 6, 10, 23 and 64 return the same and recommend that the substitute herewith returned be incorporated in the constitution including accompanying article concerning qualifications to office, etc., and recommend that the several sections therein contained be incorporated in the constitution.

Mr. Teschemacher and Mr. Burritt dissent as to Sec. 4 of the qualifications to office.

JOHN K. JEFFREY, Chairman.

By general consent the substitutes for Files 5, 6, 10, 23 and 64, submitted by Committee No. 5, concerning "Elections and Qualifications to Office," was ordered printed.

The convention, by unanimous consent, proceeded to the final reading of engrossed files.

File No. 84, concerning "Boards of Arbitration," upon final reading was amended by striking out the words "upon such matters and," in the seventh and eighth line.

The yeas and nays on the adoption of File No. 84, as amended, resulted as follows:

Yeas—Messrs. Baxter, Campbell, Casebeer, Chaplin, Coffeen, Fox, Grant, Hay, Harvey, Hoyt, Irvine, Jeffrey, Johnston, Jones, McCandlish, Nickerson, Organ, Potter, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner and Mr. President—26.

Nays—Mr. Burritt—1.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Clark, Conaway, Downey, Elliott, Ferris, Foote, Frank, Holden, Hopkins, Knight, Menough, Morris, McGill, Palmer, Preston, Scott, Richards—21.

Thereupon the president announced that the convention had adopted File No. 84, as amended, to be incorporated in the constitution.

The convention having ordered the final reading of File No. 6 "Concerning Chinese Labor," the yeas and nays were taken on its adoption, with the following result:

Yeas—Messrs. Baxter, Burritt, Campbell, Chaplin, Clark, Coffeen, Grant, Hay, Harvey, Hoyt, Jeffrey, Jones, Morgan, McCandlish, Nickerson, Organ, Potter, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—25.

Nays—Messrs. Foote, Fox, Irvine, Johnston—4.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Conaway, Downey, Elliott, Ferris, Frank, Holden, Hopkins, Knight, Menough, Morris, McGill, Palmer, Preston, Richards, Scott—20.

The president announced that the convention had adopted File No. 66, to be incorporated in the constitution.

Sec. 27 of substitute for File No. 50, "Concerning Arbitration," having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Burritt, Campbell, Chaplin, Clark, Coffeen, Fox, Grant, Hay, Hoyt, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Organ, Potter, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner—24.

Nays—Messrs. Baxter, Foote, Harvey, Irvine, Mr. President—5.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Downey, Elliott, Ferris, Frank, Holden, Hopkins, Knight, Menough, Moirris, McGill, Palmer, Preston, Richards, Scott—20

Thereupon the president announced that the convention had adopted Sec. 27 of substitute for File No. 50, to be incorporated in the constitution.

File No. 76, "Concerning Apportionment," having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Chaplin, Coffeen, Fox, Grant, Harvey, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Organ, Potter, Preston, Reid, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—26.

Nays—Messrs. Clark, Hay, Foote and Riner—4.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Conaway, Downey, Elliott, Ferris, Frank, Holden, Hopkins, Knight, Menough, Morris, McGill, Palmer, Richards, Scott—19.

The president thereupon announced that the convention had adopted File No. 76, on apportionment, to be incorporated in the constitution.

File No. 76, concerning "Legislative Department," on being taken up for final reading was amended in Section 2 by striking out the words "except as otherwise provided in this constitution."

On motion of Mr. Coffeen, Section 3 was amended by adding at the beginning of said section the following:

"Each county shall constitute a senatorial and representative district."

On motion of Mr. Riner, Section 6 was amended by strikig out "120" in the tenth and eleventh line, and inserting "9" in lieu thereof, also by striking out "60" in the eleventh line and inserting "40" in lieu thereof.

On motion of Mr. Smith, Sec. 17 was amended by striking out the words "or lieutenant governor."

On motion of Mr. Smith Sec. 10 was amended by striking out the words "pro tempore."

On motion of Mr. Campbell, Sec. 22 was amended by striking out "ten," in the fourth line, and inserting instead the word "five."

On motion of Mr. Campbell, Sec. 30 was amended by striking out all of said section after the word "made" in the sixth line.

File No. 76, on Legislative Department, having been finally read, as amended, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Campbell, Casebeer, Chaplin, Clark, Foote, Fox, Grant, Hay, Harvey, Holden, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Organ, Potter, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner—28.

Nays—Messrs. Burritt, Coffeen, Elliott, Preston, Mr. President—5.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Conaway, Downey, Elliott, Frank, Hopkins, Knight, Menough, Morris, McGill, Palmer, Richards, Scott—16.

The preident thereupon announced that the convention had adopted File No. 76, concerning "Legislative Department," to be incorporated in the constitution.

The several files finally adopted were referred to Committee No. 19.

On motion of Mr. Potter the convention resolved itself into a committee of the whole for the consideration of the special order, being substitutes for Files No. 7, 26, 27, 41, 54 and 55, on "Taxation and Revenue."

Mr. Burritt in the chair.

On arising the committee made the following report:

Mr. President:

Your Committee of the Whole to whom was referred the special order, being substitute for Files 7, 26, 27, 41, 54 and 55, beg leave to report progress and ask leave to sit again.

CHARLES H. BURRITT, Chairman.

JOHN K. JEFFREY,
F. H. HARVEY,
W. C. IRVINE,
A. L. SUTHERLAND.

On motion File No. 89, by Committee No. 18, "Schedule," was ordered printed.

The convention thereupon stood in recess until 7:30 o'clock p. m.

The convention reassembled at 7:30 o'clock p. m.

The president in the chair.

The president announced as a ruling that the propositions finally adopted by this convention will remain in charge of the committee on revision until they are incorporated in the constitution and considered as a whole.

Mr. Johnson moved that the convention resolve itself into a committee of the whole for the consideration of the special order.

Mr. Burritt in the chair.

Upon arising the committee made the following report:

Mr. President:

Your committee of the whole having had under consideration the special order, being substitute for Files No. 7, 26, 27, 41, 54 and 55, "concerning taxation and revenue," beg leave to report progress and ask leave to sit again.

CHARLES H. BURRITT Chairman.

On motion the report was adopted.

The convention thereupon adjourned until 9 o'clock a. m., Sept. 25th.

M. C. BROWN, President.

Attest: J. K. JEFFREY, Secretary.

TWENTY-FIRST DAY.

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 25, 1889.

The convention was called to order at 9 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Journal of previous session read and approved.

Mr. Organ was excused from attendance for the day.

Committee No. 19 submitted the following report:

Mr. President:

Your Committee No. 19 beg leave to return Files No. 85, substitute for Files No. 11, 38, 42 and 72. File No. 60, and substitute for File No. 31, properly engrossed.

H. E. TESCHEMACHER, Chairman.

Final Reading.

The convention proceeded to the final reading of engrossed files.

File No. 82, "concerning police powers," having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Chaplin, Clark, Coffeen, Elliott, Foot, Fox, Grant, Hay, Harvey, Holden, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President.—31.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Conaway, Downey, Ferris, Frank, Hopkins, Knight, Menough, Morris, McGill, Organ, Richards, Riner, Scott—18.

The president thereupon announced that the convention had adopted File No. 82, "concerning police powers," as a part of the constitution.

Substitute for File No. 31, "concerning railroads," was, on final reading, on motion of Mr. Clark, amended in Sec. 2 by inserting after the word "families" in the tenth line the words "ministers of the gospel."

Substitute for File No. 31 having been finally read, as amended, the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Clark, Coffeen, Elliott, Foot, Fox, Grant, Hay, Harvey, Holden, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Potter, Preston, Reid, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—29.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Chaplin, Conaway, Downey, Ferris, Frank, Hopkins, Knight, Menough, Morris, McGill, Organ, Palmer, Richards, Riner, Scott—20.

The president thereupon announced that the convention had adopted substitue for File No. 31 as amended, as a part of the constitution.

File No. 60, "concerning federal relations," having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Clark, Coffeen, Elliott, Foot, Fox, Grant, Hay, Harvey, Holden, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Potter, Preston, Reid, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—29.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Chaplin, Conaway, Downey, Ferris, Frank, Hopkins, Knight, Menough, Morris, McGill, Organ, Palmer, Richards, Riner, Scott—20.

The president thereupon announced that the convention had adopted File No. 60, "on federal relations," as a part of the constitution.

File No. 85, "concerning labor," was on final reading amended by striking out the words "no more than."

File No. 85 as amended having been finally read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Clark, Coffeen, Elliott, Foote, Grant, Hay, Holden, Hopkins, Hoyt, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—29.

Nays: Messrs. Fox, Harvey, Irvine—3.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Chaplin, Conaway, Downey, Ferris, Frank, Knight, Menough, Morris, McGill, Organ, Richards, Scott—17.

The president announced that the convention had adopted File No. 84, "concerning labor," as amended, as a part of the constitution.

Substitute for Files No. 11, 38, 42 and 72, "on corporations" was, on final reading amended by striking out Sec. 11.

After being finally read as amended the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Clark, Coffeen, Elliott, Foote, Fox, Grant, Harvey, Holden, Hopkins, Hoyt, Jeffrey, Jones, Morgan, McCandlish, Nickerson, Palmer, Preston, Reid, Russell, Smith, Sutherland, Vagner, Mr. President—26.

Nays: Messrs. Hay, Irvine, Johnston, Potter, Riner, Teschemacher—6.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Chaplin, Conaway, Downey, Ferris, Frank, Knight, Menough, Morris, McGill, Organ, Richards, Scott—17.

The president thereupon announced that the convention had adopted substitute for Files Nos. 11, 38, 42 and 72 as a part of the constitution.

The convention then went into Committee of the Whole for the consideration of substitute for Files Nos. 7, 26, 27, 41, 54 and 55 on "Taxation and Revenue."

Mr. Johnston in the chair.

On arising the committee made the following report:

Mr. President:

Your Committee of the Whole having had under consideration substitute for Files No. 7, 26, 27, 41, 54 and 55, on "Taxation and Revenue," beg leave to report progress and ask leave to sit again.

J. A. JOHNSTON, Chairman.

The report of the Committee of the Whole was adopted.

On motion the convention stood in recess until two o'clock p. m.

AFTERNOON SESSION.

The convention re-assembled at two o'clock p. m.

Mr. President in the chair.

Mr. Smith, by general consent, presented the following resolution, which was unanimously adopted.

Resolved, That this convention gratefully acknowledges the services of Justice W. P. Carroll, in attending this body whenever called upon to administer the oath of office to its members and officers.

Resolved, That the secretary be instructed to transmit a copy of this resolution to Mr. Carroll.

On motion of Mr. Burritt the convention went into committee of the Whole.

Mr. Johnston in the chair.

When the committee arose it made the following report:

Mr. President:

Your Committee of the Whole having had under consideration substitute for Files No. 7, 26, 27, 41, 54 and 55 on "Taxation and Revenue," beg leave to report with the following recommendations:

Substitute the following for Sec. 3 and 5:

Sec. 3. All mines and mining claims from which gold, silver, and other precious metals, soda, saline, coal, mineral oil or other valuable deposit is or may be produced shall be taxed, in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof as may be prescribed by law. Provided, That the product of all mines shall be taxed in proportion to the value thereof.

Amend Sec. 4 by striking out all after the word "value" in the fourth line.

Amend Sec. 6 by inserting in third line, after the word "educational" the words "and charitable."

Amend Sec. 8 by striking out in the first line the word "six" and inserting "eight" in lieu thereof.

Strike out Section 9.

Amend Sec. 10 by inserting in second line after the words "therein" the words:

"Except as herein otherwise provided."

Amend Sec. 11 by inserting in second line, after the word "money" the words "or other public fund."

Amend Sec. 12 by adding to said section the words "of state."

Amend Sec. 13 by adding the words "and such other duties as may be prescribed by law."

That Sec. 13 and 14 be re-referred to Committee No. 11.

Amend Sec. 15 by striking out all after the word "property" in the third line, and insert in lieu thereof, the words "as the legislature may by general law provide."

Strike out Sec. 17.

That amendments offered by Messrs. Hay and Potter be referred to Committee No. 11.

J. A. JOHNSTON, Chairman.

On motion the report was adopted.

The convention thereupon stood in recess until 7:30 o'clock p. m.

EVENING SESSION.

The convention reassembled at 7:30 o'clock p. m.

Mr. President in the chair.

On motion of Mr. Teschemacher, the convention resolved itself into a Committee of the Whole for the consideration of the general file.

Mr. Johnston in the chair.

When the committee arose it submitted the following report:

Mr. President:

Yoor Committee of the Whole to whom was referred the general file, beg leave to report with the following recommendations:

That substitutes for Files Nos. 7, 26, 27, 41, 54 and 55, subdivision on Public Indebtedness, be amended in Sec. 2 and 4 by inserting in first line after the word "debt" the words "in excess of the taxes for the current year."

Strike out in Sec. 5, in the seventh line, the words "water works and," and add at the end of said section: "Debts contracted for supplying water to such city or town are excepted from the operation of this section."

Amend Sec. 7 by striking out in fifth line the words "nor shall" and insert in the fifth line, after the word "state," the words "shall not."

Amend said file, subdivision on Taxes and Revenue, by substituting the following for Sec. 13.

Section 13. That the duties of the state board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equilization of the rate so fixed at least ten days before the date fixed for beginning assessments; to assess at their actual value, the franchises, roadway, roadbed, rails and rolling stock and all other property used in the operation of all railroads, and other common carriers, except machine shops, rolling mills and hotels in this state. Such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis of taxation for such property, Provided that the assessment so made shall not apply to incorporated towns and cities; said board shall also have power to equalize the valuation on all property in the several counties for the state revenue and such other duties as may be prescribed by law.

That the following be substituted for Sec. 14 of said file:

Sec. 14. All property, except as in this constitution otherwise provided, shall be uniformly assessed for taxation and the legislature shall prescribe such legislation as shall secure a just valuation for of all property, real and personal.

And your committee recommends that said substitutes for Files No. 7, 26, 27, 41, 54 and 55 be adopted as amended.

That File No. 88, on "preamble," be amended in Sec. 5 by striking out all after the word "debt" in the first line.

Amend Sec. 6 by striking out the words "or in any manner destroyed" in the second line.

Amend Sec. 10 by striking out the word "or" in the second line and inserting the word "and" in lieu thereof; also by striking out the word "desired" in the fourth line.

Strike out in Sec.14 in the first line the word "unless" and insert "except" in lieu thereof.

Strike out in Sec. 15 the last five words.

Strike out in Sec. 18 in line 4 the words "on account of his belief in God or the non-existence of God, nor."

Strike out the last seven words in Sec. 28.

And that said File No. 88 be adopted as amended.

J. A. JOHNSTON, Chairman.

On motion the report of the committee was adopted

The convention ordered the engrossment of substitute for Files No. 7, 26, 27, 41, 54 and 55 and the printed File No. 88 as amended to be considered the engrossed file.

On motion of Mr. Chaplin the convention adjourned until 9 o'clock a. m. Sept. 26th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

TWENTY-SECOND DAY

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 26, 1889.

The convention was called to order at 9 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 31 members present.

Journal of previous session read and approved.

Final Reading.

File No. 88 "on preamble" on final reading was amended, on motion of Mr. Harvey, by adding to Sec. 5 the words "except in cases of fraud."

On motion of Mr. Campbell Sec. 10 was amended in the third line by striking out the words "to meet the witnesses opposed face to face" and inserting in lieu thereof the words "to be confronted with the witnesses against him."
third line by striking out the words "to be confronted with the witness against him."

On motion of Mr. Burritt the following substitute for Sec. 6 was adopted:

Sec. 6. No person shall be deprived of life, liberty or property without due process of law.

File No. 88, on preamble, as amended, having been finally read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Campbell, Casebeer, Chaplin, Clark, Coffeen, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Mr. President—31.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Conaway, Downey, Elliott, Ferris, Frank, Irvine, Knight, Menough, Morris, McGill, Richards, Scott, Vagner—18.

The president thereupon announced that the convention had adopted File No. 88 as amended, as a part of the constitution.

Mr. Reid gave the following notice:

I desire to offer a proposition relative to appeals from compulsory boards of arbitration, and move that it be referred to the committee of the whole.

So ordered.

Committee No. 4 submitted the following report:
Mr. President:

Your Committee No. 4, on judiciary, to whom was referred File No. 24, herewith return the same with the recommendation that the same be not adopted, the convention not having provided for an attorney general.

We also return File No. 4 with the recommendation that it be not adopted, a substitute therefor having been submitted and adopted.

C. N. POTTER, Acting Chairman.

On motion the convention resolved itself into a committee of the whole for the consideration of the general file.

Mr. Elliott in the chair.

On arising the committee reported progress and asked leave to sit again.

The report was adopted.

The convention then stood in recess until 2 o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at 2 o'clock p. m.

Mr. President in the chair.

By general consent Committee No. 15 submitted the following majority and minority reports:

MAJORITY REPORT.

Cheyenne, Wyo., Sept. 25, 1889.

Mr. President:

Your Committee No. 15, to whom was referred Files No. 61, 65, 80 and 83, after due consideration of the same beg leave to return them all herewith the recommendation that none of them be adopted.

We submit a substitute which we recommend to the favorable consideration of the convention.

HENRY G. HAY,
JOHN N. McCANDLISH.

MINORITY REPORT.

Cheyenne, Wyo., Sept. 26, 1889.

Mr. President:

Your Committee No. 15, to whom was referred Files No. 61, 65, 80 and 83, respectfully return the same with the recommendation that they be not adopted, the propositions therein contained being incorporated in a substitute herewith submitted for your consideration.

F. M. FOOTE, Chairman.

On motion the two propositions, being substitutes for Files No. 61, 65, 80 and 83, submitted by Committee No. 15, were ordered printed.

Mr. Fox moved to go into committee of the whole. So ordered.

Mr. Elliott in the chair.

When the committee arose the convention, on motion of Mr. Elliott, stood in recess until 7:30 o'clock p. m.

EVENING SESSION.

The convention reassembled at 7:30 o'clock p. m.

Mr. President in the chair.

Committee No. 7 made the following report:

Mr. President:

Your Committee No. 7 herewith return Sec. 24 of substitute for Files No. 58, 28 and 8, and the amendments thereto, adjusted as ordered by the convention.

JOHN W. HOYT, Chairman.

The amendment reported by Committee No. 7 was referred to the general file.

On motion of Mr. Fox the convention went into committee of the whole for the consideration of the general file.

Mr. Elliott in the chair.

On arising the committee made the following report:

Mr. President:

Your committee of the whole, to whom was referred the general file, beg leave to report with the following recommendations:

Amend substitute for Files No. 59, 28 and 8, "on education and public institutions" by substituting the following for Sec. 1:

"Sec. 1. The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require, and the means of the state allow, and such other institutions as may be necessary."

Strike out Section 3.

Substitute the following for Sec. 6:

"Sec. 6. All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties, and to be paid to the custodian of such funds for the current support of the public schools therein."

Amend Sec. 17 by striking out the words "as the crowning educational institutions in the state."

Amend Sec. 18 by striking out in the first line the words "under direction of the legislature" and inserting in lieu thereof the words "the legislature shall provide by law for the management of," also by striking out the last sentence of said section.

Also by inserting in second line after the words "consisting of" the words "not less than."

Amend Sec. 19 by striking out all of said section commencing with the word "consisting" in the fourth line up to and including the word "and" in the eighth line.

Amend Sec. 20 by inserting in line 5 after the word "in" the words "the last preceding."

Amend Sec. 22 by inserting after the word "buildings" in the first line the words "and other property."

Strike out "sacred" in third line Sec. 7. Also in first line the word "educational" and insert "public school." Also in seventh line strike out "on U. S. securities" and insert "of the United States."

Amend Sec. 8 by striking out in the first line the word "above" and inserting after the word "mentioned" the words "in the preceding section."

Strike out in third line "school district" and insert "county."

Amend Sec. 9 by striking out in the sixth line the word "five" and inserting "three" in lieu thereof.

Amend Sec. 10 by inserting the word "such" after the word "make" in the first line.

That the following substitute for Sec. 16 be adopted:

The establishment of the University of Wyoming is hereby confirmed, and said institution, with its several departments, is hereby declared the University of the State of Wyoming. All lands which may have been heretofore granted or which may be hereafter granted by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations and devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised.

The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress.

Add the following section:

Sec. 4. The legislature shall have no power to change or to locate the seat of government, the state university, the insane asylum, or state penitentiary, but may after the expiration of ten (10) years after the adoption of this constitution provide by law for submitting the question of the permanent location thereof respectively to the qualified electors of the state at some general election, and a majority of all votes upon said question, cast at said election shall be necessary to determine the location thereof; Provided, That for said period of ten years and until the same shall respectively have been permanently located as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the city of Cheyenne, in the county of Laramie.

The state university shall be located at the city of Laramie, in the county of Albany.

The insane asylum shall be located at the town of Evanston, in the county of Uinta.

The penitentiary shall be located at the city of Rawlins, in the county of Carbon, but the legislature may by law provide that said penitentiary may be converted to other public uses.

The legislature shall not locate any other public institutions except under general laws and by vote of the people.

And that substitute for Files No. 59, 28 and 8 be adopted as amended.

Your committee further recommends:—

That File No. 86, "on public lands and donations," be amended as follows;

Insert in Sec. 1 after the word "bidder" in the sixth line the following: "After having been duly appraised by the land commissioner at not less than three-fourths of the appraised value thereof."

Also insert after the word "acre" in the seventh line the following: "Provided that in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the privilege of purchasing the land whereon he may have settled not exceeding 160 acres, at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration."

Amend Sec. 4 by striking out the word "judicial" in the third line; also strike out the word "suitable" after the word "pass" in the third line; strike out the word "charge" in the sixth line and insert the word "require;" strike out all of said section after the word "them" in the seventh line.

Strike out Sec 6.

Amend Sec. 5 by adding at the beginning of said section the words "except a preference right to buy as in this constitution otherwise provided."

Strike out all of Sec. 7 except the proviso in the ninth, tenth and eleventh lines.

Amend by striking out the word "aforesaid" in the tenth line and inserting in lieu thereof the words "of the perpetual school fund."

Amend Sec. 2 by striking out all of said section from the word "source" in the third line up to and including the word "unsold" in the seventh line; also insert the word "said" after the word "the" in the eleventh line.

And your committee recommend that File No. 86 be adopted as amended.

Your commttee further recommend:

That File No. 87, on "coal mines,"be amended in Sec. 1 by inserting after the word "proven" in the fourth line the words "in the manner provided."

Strike out in Sec. 3 the word "coal" in the second line.

Substitute the following for Secs. 2 and 4.

Sec. 2. The legislature shall provide by law for the proper development, ventilation and drainage and operation of all mines in the state.

Strike out Sec. 5.

Your committee recommend that File No. 87 be adopted as amended.

Your committee further recommends:

That substitute for Files No. 5, 6, 10, 23 and 64, "on elec tions and qualifications to office," be amended by inserting th folowing additional section:

Sec. 5. All general elections for state and county officers for members of the house of representatives and the senate the state of Wyoming, and representatives to the congress the United States, shall be held on the Tuesday next followin the first Monday of November of each even year. Special elec tions may be held as is or may be provided by law.

All state and county officers elected at a general electio shall enter upon their respective duties on the first Monday

January next following the date of their election or as soon thereafter as may be possible."

Strike out Sec. 4.

And your committee recommend that substitute for Files No. 5, 6, 10, 23 and 64 be adopted as amended, and your committee further recommends: That File No. 89, "On Schedule," be amended by adding the following as Section 2.

"That all property, real and personal, and all moneys, credits, claims, and choses in action, belonging to the territory of Wyoming at the time of the adoption of this constitution shall be vested in and become the property of the state of Wyoming."

Amend Sec. 5 by striking out the word "by" in the fourth line and inserting the word "to" in lieu thereof, and by striking out the word "other" in the fifth line.

Amend Sec. 6 by striking out the word "now" in the first line.

Amend Sec. 7 by striking out in the ninth line the words "and upon separate articles or propositions," and by striking out in the sixteenth and seventeenth lines the words "or against any articles submitted separately."

Amend Sec. 9 by striking out in the sixth line the word "of" and inserting the word "for" in lieu thereof.

Amend Sec. 11 by inserting in the first line after the word "secretary" the words "of the territory."

Amend Sec. 12 by inserting in the first line after the word "election" the words "except members of the legislature."

Amend Sec. 13 by inserting in the sixth line after the word "legislature" the words "in joint session."

Add the following four additional sections:

Sec. 20. All state officers, including members of the legislature, elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, including the time intervening between the date of their qualification and the date of the commencement of such full term.

Sec. 21. The regular election that otherwise would be held on the first Tuesday next succeeding the first Monday of November, 1890, shall be omitted.

Sec. 22. The regular session of the legislature that would otherwise convene on the second Tuesday of January, 1891, shall be omitted.

That File No. 89 with amendments be referred to the committee on schedule and judiciary.

That File No. 90, "concerning boards of arbitration," be adopted.

E. S. ELLIOTT, Chairman.

On motion the report of the committee of the whole was adopted.

On motion the printed copies of the files as amended, recommended for adoption by the committee of the whole, were considered the engrossed files.

Mr. Burritt moved the appointment of select committees of ten members to prepare an address to the people of Wyoming and the congress of the United States. Adopted.

The convention thereupon adjourned until 9 o'clock a. m. Sept. 27th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

TWENTY-THIRD DAY

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 27, 1889.

The convention was called to order at 9 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call; 29 members present.

Journal of previous session read and approved.

The president announced the following select committee on address to the people: Messrs.

Burritt of Johnson county,
Coffeen of Sheridan county,
Harvey of Converse county,
Hay of Laramie county,
Preston of Fremont county,
Grant of Albany county,
Smith of Carbon county,
Holden of Uinta county,
Hopkins of Sweetwater county,
Organ for Crook county.

The latter to act in the absence of the members from Crook county.

Also the following select committee on address to the congress of the United States. Messrs:

Riner of Laramie county,
Clark of Uinta county,
Hoyt of Albany county,
Elliott of Johnson county,
Irvine of Converse county,
Coffeen of Sheridan county,
Palmer of Sweetwater county,
Nickerson of Fremont county,
Casebeer of Carbon county,
Morgan for Crook county.

The latter to act in the absence of the members from Crook county.

The president submitted to the convention a communication from R. C. Wylie, of Philadelphia, district secretary of the National Reform Association. Referred to committee No. 1.

Mr. Campbell gave notice of a resolution for the appointment of a committee of ten members to proceed to Washington and urge the admissi n of Wyoming as a state.

FINAL READING.

The convention having ordered final reading of engrossed files, substitute for Files No. 7, 26, 27, 41, 54 and 55 on taxation, revenue and public indebtedness, was taken up, and on motion of Mr. Potter amended in Sec. 7 by inserting after the word "bank" wherever it appears in said section the words "or banks."

On motion of Mr. Fox said file was further amended by inserting in Sec. 12 in the fourth line the words "lots with the buildings thereon used exclusively for religious worship, church parsonages and public cemeteries."

On motion of Mr. Palmer a call of the house was ordered.

Absent members having resumed their seats further proceedings, under call of the house, were on motion of Mr. Palmer dispensed with.

Substitute for Files No. 7, 26, 27, 41, 54 and 55 as amended, having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Clark, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Mr. President—30.

Nays—Mr. Teschemacher—1.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Chaplin, Conaway, Downey, Ferris, Frank, Knight, Menough, Morris, McGill, Organ, Richards, Scott, Vagner—18.

The president announced that the convention had adopted substitute for files Nos. 7, 26, 27, 41, 54, and 55, as amended, as a part of the constitution.

File No. 86, "on Public Lands and Donations," as amended, having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Campbell, Clark, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Mr. President—29.

Nays—none.

Absent—Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Casebeer, Chaplin, Conaway, Downey, Ferris, Frank, Knight, Menough, Morris, McGill, Organ, Preston, Richards, Scott, Vagner—20.

The president thereupon announced that the committee had adopted File No. 86, as amended, as a part of the constitution.

File No. 87, "on Mines and Mining," as on final reading, amended, on motion of Mr. Nickerson, by inserting in Section 3, after the word "any" in the second line, the words "coal, iron or other dangerous."

Said file having been finally read as amended, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Campbell, Chaplin, Clark, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Mr. President—31.

Nays—none.

Absent—Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Casebeer, Conaway, Downey, Ferris, Frank, Knight, Menough, Morris, McGill, Organ, Richards, Scott, Vagner—18.

The president announced that the convention had adopted file No. 87, as amended, as a part of the constitution.

Substitute for files Nos. 5, 6, 10, 23, and 64 "on Elections and Qualifications to Office," as amended, having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Campbell, Chaplin, Clark, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Mr. President—30.

Nays—none.

Absent—Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Casebeer, Conaway, Downey, Ferris, Frank, Hoyt, Knight, Menough, Morris, McGill, Organ, Richards, Scott, Vagner—19.

The president announced that the convention had adopted substitute for files Nos. 5, 6, 10, 23, and 64, as amended, as a part of the constitution.

File No. 90 "concerning Boards of Arbitration," having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Irvine, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Mr. President—31.

Nays—none.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Conaway, Downey, Ferris, Frank, Hoyt, Knight, Menough, Morris, McGill, Organ, Richards, Scott, Teschemacher, Vagner—18.

The president announced that the convention had adopted File No. 90 as a part of the constitution.

Substitute for files Nos. 59, 28 and 8 "on Education and Public Institutions" as amended, having been finally read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Elliott, Foote, Fox, Grant, Harvey, Holden, Hopkins, Jeffrey, Johnston, Jones, Morgan, McCandlish, Nickerson, Palmer, Potter, Preston, Reid, Riner, Russell, Smith, Sutherland, Teschemacher, Mr. President—30.

Nays—none.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Conaway, Downey, Ferris, Frank, Hay, Hoyt, Irvine, Knight, Menough, Morris, McGill, Organ, Richards, Scott, Vagner—19.

The president thereupon announced that the convention had adopted substitute for files Nos. 59, 28 and 8, as amended, as a part of the constitution.

By unanimous consent Mr. Russell presented File No. 91 "concerning Mines and Mining" and said file, after being read twice, was, under suspension of the rules, adopted by the following vote:

Yeas—Messrs. Baxter, Burritt, Campbell, Chaplin, Clark, Coffeen, Elliott, Foote, Fox, Grant, Holden, Hoyt, Jeffrey, Jones, Morgan, McCandlish, Nickerson, Potter, Preston, Reid, Russell, Smith, Sutherland, Teschemacher, Mr. President—25.

Nays—Messrs. Casebeer, Hay, Hopkins, Johnston, Palmer, Riner—6.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Conaway, Downey, Ferris, Frank, Harvey, Irvine, Knight, Menough. Morris, McGill, Organ, Richards, Scott, Vagner—18.

The president thereupon announced that the convention had under suspension of the rules adopted File No. 91, as a part of the constitution.

The foregoing files adopted by the convention were referred to Committee No. 19.

Mr. Hay presented the following resolution which was adopted:

Resolved, That the committee (No. 17) on printing are hereby authorized to have published in pamphlet form for distribution the constitution and addresses to congress and to the people, adopted by this convention, and to expend any unexpended balance of funds raised to meet the incidental expenses in payment for as many copies as can be obtained for that amount; and that twenty-five copies be furnished to each member of the convention, the remainder to be delivered to the secretary of the territory for general distribution.

By general consent Mr. Holden submitted File No. 92 "on Exemptions."

Referred to the general file.

On motion the convention stood in recess until 3 o'clock p. m.

Afternoon Session.

The convention re-assembled at three o'clock p. m.

Mr. President in the chair.

On motion the convention resolved itself into a committee of the whole for the consideration of the general file.

Mr. Sutherland in the chair.

When the committee arose it submitted the following report, which was adopted:

Mr. President:

Your committee of the whole to whom was referred the general file, beg leave to report progress and ask permission to sit again.

A. L. SUTHERLAND, Chairman.

On motion the convention stood in recess until 7:30 o'clock p. m.

Evening Session.

The convention re-assembled at 7:30 o'clock p. m.

Mr. President in the chair.

On motion the convention went into committee of the whole for the consideration of the general file.

Mr. Burritt in the chair.

On arising the committee made the following report:

Mr. President:

Your committee of the whole to whom was referred the general file beg leave to report with the following recommendations:

In relation to substitute for files Nos. 61, 65 and 80, and the majority and minority reports thereon, we recommend that sections 1 and 2 be adopted; that section 2 be amended by adding the following: "And the officer whose duty it is to collect such fees, shall be held responsible under his bond for neglect to collect the same; Provided, that in addition to the salary of sheriffs, they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law."

That section 3 be amended as follows:

Insert in line eight the words "five hundred" in lieu of "three hundred."

Insert in line seven "one thousand" in lieu of "five hundred."

Insert in line 17 "twelve hundred" in lieu of "seven hundred and fifty."

Insert in line 19 "seven hundred and fifty" in lieu of "five hundred."

Insert in line 22 "two thousand" in lieu of "three thousand."

Insert in line 23 "two thousand" in lieu of "twenty-five hundred."

Insert in line 25 "two thousand" in lieu of "twenty-five hundred."

Insert after line 5:

The county and prosecuting attorney shall not be paid more than $1,200 per year. After line 18:

The county and prosecuting attorneys shall not be paid more than $1,500 per year. After line 28:

The county and prosecuting attorney shall not be paid more than $2,500 per year.

Add to Sec. 3 the following:

The county surveyor in each county shall receive not more than $8 per day for each day actually engaged in the performance of the duties of his office.

Substitute the following for Sec. 4:

Sec. 4. The legislature shall provide by general law for such deputies as the public necessities may require and shall fix their compensation.

Strike out the minority report.

And that said file thus amended be adopted.

Your committee further recommends that File No. 92 be adopted.

That File No. 89 be amended in Sec. 8 by inserting in line 6 after the word "district" the word "county," and in line 7 after the word "constitution" the words "and such other county and precinct officers as are provided by the territorial laws."

Also that the following sections be added:

Sec. 20. Members of the legislature and all state officers, district and supreme judges, elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

Sec. 21. If the first session of the legislature under this constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said session shall be omitted.

Sec. 22. The first regular election that would otherwise occur following the first session of the legislature shall be omitted, and all county and precinct officers elected at the first election held under this constitution shall hold their offices for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

Sec. 23. That the convention does hereby declare on behalf of the people of the territory of Wyoming that this constitution has been prepared and submitted to the people of the territory of Wyoming for their adoption or rejection with no purpose of setting up or organizing a state government until such time as the Congress of the United States shall enact a law for the admission of the territory of Wyoming as a state under its provisions.

And your committee recommends that File No. 89, "on schedules," thus amended be adopted.

CHARLES H. BURRITT, Chairman.

On motion the report of the committee of the whole was adopted and the printed copies of the files as amended recommended for adoption were considered the engrossed copies.

FINAL READING.

The convention ordered the final reading of substitute for Files No. 61, 65, 80 and 83 an File No. 92.

Substitute for Files No. 61, 65, 80 and 83, "on salaries of public officers," having been finally read as amended the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Chaplin, Coffeen, Grant, Hay, Harvey, Hoyt, Irvine, Jeffrey, Johnston, Jones, Morgan. Nickerson, Organ, Potter, Reid, Smith, Sutherland, Mr. President—21.

Nays—Messrs. Clark, Elliott, Foote, Fox, Holden, Knight, Riner, Russell, Teschemacher—9.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Conaway, Downey, Ferris, Frank, Hopkins, Menough, Morris, McCandlish, McGill, Palmer, Preston, Richards, Scott, Vagner—19.

The president thereupon announced that the convention had adopted substitute for Files No. 61, 65, 80 and 83 as amended as a part of the constitution.

File No. 92, "relating to homestead exemptions," having been finally read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Chaplin, Clark, Coffeen, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hoyt, Irvine, Jeffrey, Johnston, Jones, Knight, Morgan, Nickerson, Organ, Potter, Reid, Riner, Russell, Smith, Sutherland, Tescheemacher, Mr. President—30.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Casebeer, Conaway, Downey, Ferris, Frank, Hopkins, Menough, Morris, McCandlish, McGill, Palmer, Preston, Richards, Scott, Vagner—19.

The president thereupon announced that the convention had adopted File No. 92 as a part of the constitution.

The afore mentioned two files finally adopted were referred to Committee No. 19.

On motion the convention adjourned until 9 o'clock a. m. Sept. 28th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

TWENTY-FOURTH DAY

Hall of the Constitutional Convention,
Capitol Building,
Cheyenne, Wyo., Sept. 28, 1889.

The convention was called to order at 9 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplin.

Roll call; 36 members present.

Journal of previous session read and approved.

Mr. Jeffrey was on motion excused from attendance for the day.

The following resolution, offered by Mr. Morgan, was unanimously adopted:

Resolved, That when this convention adjourn it be to reconvene at the call of the president.

Mr. Hoyt moved that the appointment of a committee of five members on retrenchment, whose duty it shall be to review the whole field of the constitution with a view to such reduction of the expenses of the state government as shall seem practicable. Said committee to report at the earliest hour.

The motion was lost.

Mr. Hoyt submitted the following proposition:

"The legislature shall make such provision by law as shall be calculated to secure the best available service for all minor places in the state, county and municipal governments, regardless of considerations purely political."

The foregoing proposition was, under suspension of the rules, placed on its final reading, and the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Hay, Harvey, Hopkins, Hoyt, Morgan, Mccandlish, Nickerson, Organ, Smith, Teschemacher, Mr. President—11.

Nays: Messrs. Baxter, Burritt, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Foote, Fox, Grant, Holden, Johnston, Jones, Knight, Palmer, Preston, Reid, Riner, Russell, Sutherland—21.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Campbell, Downey, Ferris, Frank, Irvine, Jeffrey, Menough, Morris, McGill, Potter, Richards, Scott, Vagner—17.

The president thereupon announced that the convention had refused to adopt the proposition as a part of the constitution.

Mr. Burritt submitted the following proposition:

No person shall be permitted to vote, serve as a juror or hold any civil office who has at any place been convicted of an infamous crime and who has not been restored to the right of citizenship, or who is a bigamist or polygamist, or is living in what is known as patriarchial, plural or celestial marriage, or in violation of any law of this state or the United States forbidding any such crime."

On motion the proposition was referred to Committee No 5, as File No. 93.

The convention ordered the final reading of File No. 89, "on schedule," as amended.

Said file having been finally read as amended the yeas and nays on its adoption were taken, resulting as follows:

Yeas: Messrs. Baxter, Burritt, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Foote, Fox, Grant, Holden, Hopkins, Hoyt, Jones, Morgan, McCandlish, Nickerson, Organ, Palmer, Reid, Riner, Russell, Smith, Sutherland. Teschemacher, Mr. President—27.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Campbell, Downey, Ferris, Frank, Hay, Harvey, Irvine, Jeffrey, Johnston, Knight, Menough, Morris, McGill, Potter, Preston, Richards, Scott, Vagner—22.

The president thereupon announced that the convention had adopted File. No. 89 as amended as a part of the constitution.

File No. 89 was referred to Committee No. 19.

On motion the convention stood in recess until 2 o'clock p. m.

AFTERNOON SESSION.

The convention reassembled at 2 o'clock p. m.

Mr. President in the chair.

The president submitted the following communication, which was read:

Cheyenne, Wyo., Sept. 28, 1889.

To the Honorable President and Members of the Wyoming Constitutional Convention.

Gentlemen:—At the hands of Hon. H. Glafcke, assistant secretary of your convention, I am in receipt of a copy of your resolution returning thanks to myself for the little service I have rendered your body.

In response thereto I desire to say that I greatly appreciate the high compliment you have thereby paid me, and wish to add what I deem to be the sentiment of the great mass of Wyoming citizens, myself included, that your diligent, efficient and patriotic labors in the capacity of members and officers of the Wyoming Constitutional Convention are and have been such as will be approved by the people of the soon-to-be great commonwealth of Wyoming.

Very Respectfully Yours,
W. P. CARROLL.

Committee No. 5 made the following report:

Cheyenne, Wyo., Sept. 28, 1889.

Mr. President:

Your Committee No. 5, to whom was referred File. No. 93, beg leave to report the same with the recommendation that the same be not adopted. The committee have carefully considered this entire matter; have consulted eminent legal authority and are of the unanimous opinion that the matters embraced in said file No. 93, are fully covered by provisions already adopted in the constitution. Your committee are further of the opinion that the proposed file No. 93, is neither necessary or expedient.

JOHN W. HOYT,
GEO. C. SMITH,
H. A. COFFEEN,
CHARLES H. BURRITT,
H. E. TESCHEMACHER.

On motion of Mr. Burritt the report of Committee No. 5 was adopted and file No. 93 "Concerning Qualifications of Electors, etc.," was indefinitely postponed.

On motion of Mr. Harvey that portion of the legislative department of the constitution relative to the election of state senators was referred to Committee No. 2 for amendment.

The convention then stood in recess for thirty minutes.

On re-assembling Committee No. 2 submittted a report recommending the following substitute for the first four lines of Section 2, of File No. 76, concerning legislative department: "Senators shall be elected for the term of four years; and representatives for the term of two years; the senators elected at the first election shall be divided by lot into two classes as nearly equal as may be; the seats of senators of the first class shall be vacated at the expiration of the first two years and of the second class at the expiration of four years.

On motion the report of the committee was adopted, and the substitute for the first four lines of Section 2, of File No. 76, was, under suspension of the rules, placed on its final reading, and after being finally read, the said substitute was adopted by the following vote:

Yeas—Messrs. Baxter, Campbell, Chaplin, Clark, Coffeen, Conaway, Elliott, Fox, Hay, Harvey, Hopkins, Hoyt, Johnston, Knight, Morgan, Morris, Nickerson, Organ, Potter, Preston, Reid, Riner, Smith, Sutherland, Teschemacher, Mr. President—26.

Nays—none.

Absent—Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Casebeer, Downey, Ferris, Foote, Frank, Grant, Holden, Irvine, Jeffrey, Jones, Menough, McCandlish, McGill, Palmer, Richards, Russell, Scott, Vagner.—23.

The president thereupon announced that the convention had adopted the substitute to be a part of the constitution.

Mr. Campbell moved the selection of a special committee of ten members to proceed to Washington to urge the admission of Wyoming as a state, the members of the committee to be empowered to appoint substitutes. Carried.

On motion the president was requested to appoint a committee of four to select this special committee, and the following named gentlemen were appointed:

Messrs. Riner, Elliott, Conaway and Organ.

On motion of Mr. Clark the governor of the territory was requested to appoint a committee of ten citizens of Wyoming to urge the admission of Wyoming before congress.

Messrs. Clark, Potter, and Campbell were appointed a committee to convey this request of the convention to his Excellency, the governor.

Mr. Hay offered the following resolution which was adopted:

Resolved, that the president and secretary of this convention are instructed to issue to the secretary of the Territory of Wyoming a certificate showing the attendance, residence and mileage of members during the sessions of this convention.

The convention thereupon adjourned until 9 o'clock a. m. Sept. 30th.

M. C. BROWN, President.

Attest: JOHN K. JEFFREY, Secretary.

TWENTY-FIFTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,
CAPITOL BUILDING,
Cheyenne, Wyo., Sept. 30, 1889.

The convention was called to order at 9 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplin.

Roll call; 37 members present.

Journal of previous session read and approved.

The president submitted the following communication which was read and ordered to be spread upon the journal.

No. 13 East 12th St., New York City, Sept. 25, 1889.

My Dear Sir:

Mrs. Cox, in her supreme bereavement, begs leave that you will permit me on her behalf, to tender to you, and through you, to the Wyoming Constitutional Convention, her heartfelt thanks for your and their expressions of sympathy, as conveyed in your telegram of the 12th inst. at her irreparable loss in the death of her beloved husband, the late Samuel S. Cox.

She bids me further say, in making her grateful acknowledgements to you and to the members of the Wyoming Constitutional Convention, as respecting the people of your Territory, whose promotion to statehood was uppermost among the last thoughts of Mr. Cox, that these kindly evidences of esteem for him and expressions of condolence in her own great grief, will always be cherished with kindest thought and ever be a source of solace in solitude.

Yours with great respect,
JOHN D. O'CONNOR,
Private Secretary.

Mr. M. C. Brown,
President Wyoming Constitutional Convention,
Cheyenne, Wyoming.

The special committee appointed at the previous session reported as follows:

Cheyenne, Wyo., Sept. 30, 1889.

Mr. President:

Your committee appointed to report to the convention the names of members willing to serve on the committee to wait upon the congress of the United States and present the constitution and urge the administration of Wyoming thereunder to the union of states, beg leave to report the following nine additional names (the president of this convention having already been chosen as chairman of this committee), to-wit: Messrs. C. D. Clark, A. B. Conaway, H. E. Teschemacher, DeForrest Richards, A. C. Campbell, H. A. Coffeen, D. A. Preston, H. F. Elliott and J. A. Johnston.

Your committee further recommend that any members visiting Washington during the next session of congress be accredited as members of this committee, and that the gentlemen appointed by this convention be authorized to add the names of such visiting gentlemen to the committee appointed by the convention.

A. B. CONWAY,
J. A. RINER,
H. S. ELLIOTT,
C. P. ORGAN.

Committee No. 19 reported the completion of the revision of the constitution and that the several articles were ready for final reading.

On motion the convention ordered the final reading of the several articles of the constitution.

The preamble having been read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Hay, Harvey, Hopkins, Hoyt, Irvine, Jeffrey, Knight, Morgan, Morris, McCandlish, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Mr. President—25.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Campbell, Chaplin, Downey, Ferris, Fox, Frank, Grant, Holden, Johnston, Jones, Menough, McGill, Nickerson, Organ, Reid, Richards, Scott, Sutherland, Vagner—24.

The president thereupon announced that the convention had adopted the preamble of the constitution.

Article 1, "declaration of rights," having been read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Hay, Harvey, Hopkins, Hoyt, Irvine, Jeffrey, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—27.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Campbell, Chaplin, Downey, Ferris, Fox, Frank, Grant, Holden, Johnston, Jones, Menough, McGill, Nickerson, Reid, Richards, Scott, Sutherland—22.

The president thereupon announced that the convention had adopted Article 1, "declaration of rights," of the constitution.

Article 2, "distribution of powers," having been read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Smith, Teschemacher, Vagner, Mr. President—21.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Burritt, Butler, Campbell, Chaplin, Downey, Ferris, Fox, Frank, Holden, Jones, Menough, McGill, Nickerson, Reid, Richards, Russell, Scott, Sutherland—21.

The president thereupon announced that the convention had adopted Article 2, "distribibntion of powers," of the constitution.

Article 3, "legislative department," having been read it was amended, on motion of Mr. Hoyt,, in Sec. 6, by striking out in the seventh line the word "ninety" and inserting in lieu thereof the word "sixty."

Article 3, "legislative department," having been read as amended the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Smith, Russell, Teschemacher, Vagner, Mr. President—31.

Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hop-

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Chaplin, Downey, Ferris, Fox, Frank, Holden, Jones, Menough, McGill, Nickerson, Reid, Richards, Scott, Sutherland—18.

The president announced that the convention had adopted Article 3, "legislative department," of the constitution.

Article 4, "executive department," having been read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Smith, Russell, Teschemacher, Vagner, Mr. President—31.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Chaplin, Downey, Ferris, Fox, Frank, Holden, Jones, Menough, McGill, Nickerson, Reid, Richards, Scott, Sutherland—18.

The president thereupon announced that the convention had adopted Article 4, "executive department," of the constitution.

Article 5, "judiciary department," was on motion of Mr. Campbell amended by adding to Sec. 21 the following: "Provided the number of districts and district judges shall not exceed four until the valuation of taxable property in the state shall equal one hundred million dollars."

Article 5, "judiciary department," having been read as amended the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Smith, Russell, Teschemacher, Vagner, Mr. President—31.

Nays: None.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Chaplin, Downey, Ferris, Fox, Frank, Holden, Jones, Menough, McGill, Nickerson, Reid, Richards, Scott, Sutherland—18.

The president thereupon announced that the convention had adopted Article 5, "judiciary department," of the constitution.

Article 6, "suffrage," having been read the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Smith, Teschemacher, Mr. President—25.

Nays—Messrs. Clark, Irvine, Preston, Riner, Russell, Vagner—6.

Absent: Messrs. Baldwin, Barrow, Burdick, Butler, Chaplin, Downey, Ferris, Fox, Frank, Holden, Jones, Menough, McGill, Nickerson, Reid, Richards, Scott, Sutherland—18.

The president announed that the convention had adopted Article 6, "Suffrage," of the constitution.

Article 7, "Education," having been read the yeas and nays on its adoption resulted as follows:

Yeas: Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Smith, Russell, Teschemacher, Vagner, Mr. President—31.

Nays: None.

Absent—Messrs. Baldwin, Barrow, Burdick, Butler, Chaplin, Downey, Ferris, Fox, Frank, Holden, Jones, Menough, McGill, Nickerson, Reid, Richards, Scott, Sutherland—18.

The president thereupon announced that the convention had adopted Article 7, "Education," of the constitution.

Mr. Burritt of the committee on address to the people made the followng report:

Mr. President:

Your committee on address to the people of Wyoming, beg leave to submit the following:

ADDRESS TO THE PEOPLE OF WYOMING.

The convention convened at Cheyenne on September 2, 1889, to frame a constitution for the state of Wyoming, has completed its labors.

The constitution so framed will be submitted to you for adoption or rejection on November 5, 1889.

The convention designated the undersigned as a committee to lay before the people of the territory reasons why the foregoing constitution should be adopted. Our space is limited, and in this address we can only call your attention to a few of the many good reasons that exist.

Every county in the territory was represented in the convention. A month's time of careful, conscientious and painstaking labor has been spent in formulating this constitution.

In all our deliberations we have endeavored to embody in our fundamental law such economic measures as we believed would commend our work to the people of the whole territory, without reference to partisan politics and with equal protection for the rich and poor.

TERRITORIAL GOVERNMENT.

For twenty years and more Wyoming has been laboring under the disadvantages of a territorial form of government. These disadvantages are numerous. We have no voice in the selection of the most important officers who administer our local affairs; no voice in the enactment of laws by congress, to which we must yield obedience; and no voice in the election of the chief magistrate of the republic, who appoints the principal officers by whom the executive and judicial affairs of our territory are administered. It has been well said "A territory cannot have a settled public policy. The fact that congress may at any time annul its legislation on any matter of purely local concern, prevents active co-operation by the people in those higher planes of public life which result in the establishment of a permanent state policy."

The abuse of the veto power by alien governors, the lack of familiarity of alien judges with our laws and the frequent changes of our executive and judicial officers, as it has been in the past and may be again in the future, cannot but discourage the people.

Although citizens of the United States in name we have been in fact disfranchised.

Territorial representation in congress is a delusion, the territories of these United States have no representation.

Taxation without representation, a condition in many respects allied to colonial vassalage, with the many other wrongs that follow the application of these two anti-American terms and with which you are familiar, have all united to render the condition of the people of Wyoming, the most energetic, intelligent and patriotic citizens of the United States, well nigh intolerable. We have endured all these things up to the present time without a murmur of discontent, because we have not heretofore seen our way clear to throw off these chains of political and industrial bondage, and to ask, with the hope of success, our admission into the federal union, where we could enjoy equally with sister states the right of local self government and those other natural and inalienable rights guaranteed in the constitution to every man. The residents of Wyoming territory are the descendents of free citizens, such citizens as framed the constitution of the United States. The loyalty of the sons to Republican institutions and their love of liberty have not been decreased, but increased by their loveships and dangers they have endured and by the difficulties that have been encountered and overcome in laying the foundations of this great and prosperous commonwealth. It is admitted that Wyoming Territory stands next in order in its right to admission into thte Union. We believe she is now ready to assume the responsibility of statehood, to cast of the burdens and inconviences of territorial vassalage. She can now ask admission with hope of success. Her time has arrived. For the first time in ten years public opinion in the older states has so changed as to view the admission of new states with a fair degree of favor.

If not admitted at this time we may reasonably expect the wave of public sentiment will soon recede and the old unfavorable attitude toward the territories will be again established. In this event our admission as a state would become so problematical that we need entertain no hope of obtaining the rights and benefits of statehood for the next ten and perhaps fifteen years.

While the cost of state government is increased over the cost of territorial government in some departments, the savings in other departments, the retrenchment in other directions, the increase in population and assessable property that will follow our admission as a state will in a short time materially lessen the burden of taxatiaon, while to delay our application for admission until the "swing of the pendulum" of public opinion has reached the opposite proposition from that so favorable now to the formation of new states, will be to fasten upon us for a long term of years all the abuses of financial management that have made our taxation burdensome and made plethoric the pockets of public officials at the expense of the taxpayer.

Public Lands.

By the terms of the senate bill for the admission of Wyoming there is donated to the state the following public lands:

Agriculture and college lands	90,000 acres
Scientific school lands	100,000 acres
Normal school lands	100,000 acres
For charitable and penal institutions	300,000 acres
For public buildings	32,000 acres
Total	622,000 acres

In addition to these lande the state is authorized to select in lieu of Secs. 16 and 36 in each township found to be mineral lands an equal amount of agricultural lands. It is believed that at least 500,000 acres of these lands will be found to be mineral. This would give the state of Wyoming available agricultural lands to be selected at once upon her admission, to the extent of 1, 122,000 acres. If statehood should from any cause be delayed for the next ten or fifteen years, the choice agricultural lands within the state will have been disposed of and the donations of the lands to the state would thereby be rendered of less value.

There is also donated to the state for the use of her public schools five per centum of the proceeds of all public lands, sold by the United States after our admission as a state. This fund alone would average not less than $20,000.00 a year and a delay of ten years in our admission would entail a loss from this source alone of $200,000.00.

The lands donated and selected, if leased at five cents an acre per annum, would produce in ten years a rexenue of $561,000.00.

It thus appears that delay of statehood means for us a loss in ten years from these two sources of $761,000.00, or $76,100.00 per annum.

THE CONVENTION AND THE CONSTITUTION.

The delegates in this convention came from both political parties, from all sections of the territory. It was non-partisan in character, indeed, it may be truthfully said that in its deliberations there was at no time a division of its membership upon party lines. Sectional questions were at no time considered, but to act for the common good of the whole people of Wyoming seemed to be the ruling motive. The material, industrial and professional interests were represented in its membership, and no outside influences were permitted to affect their action.

The constitution adopted is believed to be fairly conservative and also progressive. It is the first constitution adopted by man which gives to each citizen the same rights guaranteed to every other citizen. Under its provisions pure elections are practically guaranteed, and economy of administration assured. Restrictions upon legislation and loose appropriations of public moneys are clear and positive. The salaries of officers have been fixed according to the value of the service rendered and in proportion to the means of the people to pay.

Public trusts are carefully controlled and corporations restricted to a single line of business. The establishment of compulsory courts of arbitration to settle disputes between corporations and their employes, the protection of laborers in mines, the prohibiting of the importation of foreign police to usurp local authority, are all measures that commend themselves and in the convention received the support of the representatives of both capital and labor. The extravagance in the management of county affairs that has prevailed in the past has been circumscribed and rendered impossible. The restrictions upon taxation and the creation of public debts are such as to necessitate economy in public affairs and to insure to the people the highest excellence in government for the least money.

In the interest of local self government to promote the general good and to encourage the growth and development of the state of Wyoming, the constitutional convention having finished its work, respectfully solicits your candid consideration of the constitution herewith sumitted and the ratification of the same by your suffrages.

MELVILLE C. BROWN,
President.

CHARLES H. BURRITT,
Chairman.

HENRY G. HAY,
MORTIMER N. GRANT,
JESSE KNIGHT,
GEORGE C. SMITH,
CALEB P. ORGAN,
HENRY A. COFFEEN,
DOUGLAS A. PRESTON,
MARK HOPKINS,
FREDERICK H. HARVEY,
Committee.

Article 8, Irrigation and Water Rights, having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, McCandlish, Organ, Potter, Russell, Teschemacher, Vagner—23.

Nays—Mr. Smith and Mr. President.

Absent—24.

The president thereupon announced that the convention had adopted Article 8 of the constitution.

Article 9, on mines and mining, was amended on motion of Mr. Hopkins, by adding to section 6 the following: "Said state geologist shall ex-officio perform the duties of inspector of mines until otherwise provided by law."

Article 9, on mines and mining, having been finally read. as amended, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Russell, Smith, Teschemacher, Mr. President—27.

Nays—Messrs. Foote, Knight, Vagner—3.

Absent—19.

The president thereupon announced that the convention had adopted Article 9 of the constitution.

Article 10, "Corporations," having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Preston, Russell, Smith, Teschemacher, Vagner, Mr. President—29.

Nays—Mr. Potter—1.

Absent—19.

The president thereupon announced that the convention had adopted Article 10 of the constitution.

Article 11, "Boundaries," having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlich, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31.

Nays—none.

Absent—19.

The president thereupon announced that the convention had adopted Article 11 of the constitution.

Article 12, "County Organization," having been read, the yeas and nays resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31.

Nays—none.

Absent—18.

The president announced that the convention had adopted Article 12 of the constitution.

Article 13, "Municipal Corporations," was amended, on motion of Mr. Smith, in section 1, by adding th following: "Cities and towns now existing under special charters or the general laws of the territory, may abandon such charter and re-organize under the general laws of the state."

Article 13, "Municipal Corporations," having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—32.

Nays—none.

Absent—17.

The president thereupon announced that the convention had adopted Article 13 of the constitution.

Article 14, "Salaries," was amended, in section 3, line 17, by striking out "fifteen" and inserting "eighteen" in lieu thereof.

Also by adding the following:

"Sec. 6. Whenever practicable, the legislature may, and whenever the same can be done without detriment to the public service, shall consolidate offices in state, counties, and municipalities respectively, and whenever so consolidated the duties of such additional office shall be performed under an ex-officio title.

Article 14, "Salaries," having been read, as amended, the yeas an dnays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Coffeen, Grant, Harvey, Hay, Hopkins, Irvine, Jeffrey, Johnston, Morgan, McCandlish, Organ, Palmer, Potter, Teschemacher, Vagner, Mr. President.—20.

Nays—Messrs. Clark, Conaway, Elliott, Foote, Hoyt, Knight, Morris, Preston, Riner, Russell—10.

Absent—19.

The president thereupon announced that the convention had adopted Article 14 of the constitution.

Article 15, "Taxation and Revenue," having been read after being amended in Sec. 10, by inserting in the ninth line, after the word "counties" the words "according to mileage therein," the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Coffeen, Conaway, Elliott, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Russell, Smith, Vagner, Mr. President—26.

Nays—Messrs. Clark, Foote, Riner, Teschemacher—4.

Absent—19.

Article 16, "Public Indebtedness," having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31.

Nays—none.

Absent—18.

The president thereupon announced that the convention had adopted Article 16 of the constitution.

Article 17, "State Militia," having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31.

Nays—none.

Absent—18.

The president thereupon announced that the convention had adopted Article 17 of the constitution.

Article 18, "Public Lands and Donations," having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31.

Nays—none.

Absent—18.

The president thereupon announced that the convention had adopted Article 18 of the constitution.

Article 19, "Miscellaneous,"having been read, the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Hay, Harvey, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—30.

Nays—Mr. Hopkins.

Absent—18.

The president thereupon announced that the convention had adopted Article 19 of the constitution.

Article 20, "Amendments," having been read the yeas and nays resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31.

Nays—None.

Absent—18.

The president thereupon announced that the convention had adopted Article 20 of the constitution.

Article 21, "Schedule,"was amended in Sec. 7 by inserting after the word "respects" the words "as nearly as may be."

Article 21, having been read as amended the yeas and nays on its adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31

Nays—None.

Absent—18.

The president thereupon announced that the convention had adopted Article 21 of the constitution.

The ordinances having been finally read the yeas and nays on their adoption resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Clark, Coffeen, Conaway, Elliott, Foote, Grant, Harvey, Hay, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Knight, Morgan, Morris, McCandlish, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Teschemacher, Vagner, Mr. President—31

Nays—None.

Absent—18.

The president thereupon announced that the convention had adopted the ordinances.

Committee No. 19 reported the constitution as amended properly enrolled.

The constitution, as amended, having been read, the president called for the yeas and nays on its adoption and they resulted as follows:

Yeas—Messrs. Baxter, Burritt, Campbell, Casebeer, Chaplin, Clark, Coffeen, Conaway, Elliott, Foote, Fox, Grant, Hay, Harvey, Holden, Hopkins, Hoyt, Irvine, Jeffrey, Johnston, Jones, Knight, Morgan, Morris, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Riner, Russell, Smith, Sutherland, Teschemacher, Vagner, Mr. President—37.

Nays—None.

Absent—12.

The president thereupon announced that the convention had adopted the constitution for the state of Wyoming.

Mr. Clark offered the following, which was adopted:

Resolved, That the governor of this territory be requested to issue the executive proclamation calling a special election for the adoption or rejection of this constitution adopted by this convention, to occur at the time in said constitution mentioned.

Mr. Morgan offered the following resolution, which was unanimously adopted.

Resolved, That we highly appreciate the able, conscientious and untiring assistance rendered this convention by Maj. Herman Glafcke at the secretary's desk.

Mr. Burritt offered the following resolution, which was adopted:

Resolved, That the president and secretary of this convention are hereby instructed to certify to the secretary of the territory the mileage and per diem to which each member is entitled.

In cases where members have been absent not to exceed five days they shall be allowed the full time of the convention; those members who have been absent more than five days shall be allowed for thenumber of days actually in attendance.

On motion a vote of thanks was extended to the committee on revision and its assistants, Mrs. B. Recker and Mrs. F. A. Ollerenshaw, the assistant secretary and enrolling clerk.

The thanks of the convention were also tendered to Miss Louise Smith, official stenographer, Sergeant-at-Arms Yelton, Doorkeeper Walsh and Pages Post and Hufsmith.

The journal of the day's session was then read and approved.

Mr. Riner moved that this convention adjourn subject to the call of the president. Carried.

The president thereupon declared the convention adjourned.

M. C. BROWN,
President Constitutional Convention, Wyoming.

Attest: JOHN K. JEFFREY, Secretary Constitutional Convention, Wyoming.

PROCEEDINGS AND DEBATES.

OFFCIAL REPORT

OF THE

PROCEEDINGS AND DEBATES

OF THE FIRST

CONSTITUTIONAL CONVENTION

OF THE

STATE OF WYOMING.

Assembled in the City of Cheyenne, September 2d to 30th, 1889.

LOUISE S. SMITH, OFFICIAL STENOGRAPHER.

9—

NOTE.—The convention having failed to employ a stenographer until the fourth day of the session, the proceedings prior to that time were not reported, other than as appears in the journal of the convention, which constitutes the preceding portion of this volume.

DEBATES AND PROCEEDINGS

OF THE

WYOMING CONSTITUTIONAL CONVENTION.

FOURTH DAY.

AFTERNOON SESSION.

Cheyenne, Wyo., Sept. 5, 1889.

Convention reassembled at 2 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Come to order. Gentlemen of the Convention:—I trust you will excuse my tardiness at this time. You all know that I have had considerable to attend to for the last twenty-four hours at least. I have prepared such a list of committees as seemed to me, in the hurry, proper. I may have failed in many ways to meet your expectations, but in the short time I have had, I have done the best I could.

The clerk will please read the list of standing committees.

LISTS OF STANDING COMMITTEES.

No. 1. Preamble and Declaration of Rights—Geo. W. Baxter, S. W. Downey, C. D. Clark, N. Baldwin and Mark Hopkins.

No. 2. Legislative Department—E. S. N. Morgan, W. E. Chaplin, H. S. Elliott, D. A. Preston, R. C. Butler, H. A. Coffeen, De F. Richards, T. H. Moore, M. Hopkins, C. W. Holden.

No. 3. Executive Department—Jesse Knight, John A. Riner, A. L. Sutherland, J. C. Davis, Thomas R. Reid, Charles Vagner, T. H. Moore.

No. 4. Judiciary—A. B. Conaway, C. N. Potter, C. D. Clark, S. W. Downey, A. C. Campbell, D. A. Preston, H. S. Elliott, G. C. Smith, R. H. Scott and F. H. Harvey.

No. 5. Elections, Right of Suffrage and Qualifications to Office—J. K. Jeffrey, John W. Hoyt, H. E. Teschemacher, C. H. Burritt, G. C. Smith, H. A. Coffeen and R. H. Scott.

No. 6. Boundaries and Apportionment—M. C. Barrow, Joseph L. Stotts, J. A. Casebeer, John McGill, John M. Mc-

Candlish, H. E. Teschemacher, E. J. Morris, F. M. Foote, N. Baldwin, H. A. Coffeen.

No. 7. Education, Public Buildings, Public Health and Public Morals—John W. Hoyt, C. N. Potter, A. B. Conaway, E. S. N. Morgan and C. D. Clark.

No. 8. Agriculture, Irrigation and Water Rights—J. A. Johnston, C. W. Burdick, W. C. Irvine, A. L. Sutherland, C. W. Holden, N. Baldwin, C. H. Burritt,.

No. 9. Mines and Mining—John L. Russell, C. W. Fox, L. J. Palmer, H. G. Nickerson, C. Vagner.

No. 10. Manufactures, Commerce, Live Stock Interests and Labor—George Ferris, John McGill, T. R. Reed, H. G. Nickerson, C. P. Organ, E. J. Morris, Jonathan Jones.

No. 11. Taxation, Revenue and Public Debts—M. N. Grant, J. C. Davis, DeForrest Richards, H. S. Elliott, H. G. Hay, D. A. Preston, H. E. Menough, Jesse Knight, H. A. Coffeen, Meyer Frank.

No. 12. County, City and Town Organization—C. H. Burritt, Geo. W. Fox,A. C. Campbell, J. A. Riner, Jonathan Jones.

No. 13. Corporations—H. A. Coffeen, C. N. Potter, F. M. Foote, C. W. Burdick, George W. Baxter, S. W. Downey, John L. Russell.

No. 14. Railroads and Telegraph—G. C. Smith, J. A. Riner, M. N. Grant, M. C. Barrow, J. M. McCandlish, H. G. Nickerson, A. B. Conaway, Jesse Knight, H. A. Coffeen, Meyer Frank.

No. 15. Salaries of Public Officers—F. M. Foote, H. G. Hay, H. F. Menough, N. Baldwin, J. M. McCandlish.

No. 16. Federal Relations, Public Lands and Military Affairs—H. G. Nickerson, C. P. Organ, R. C. Butler, H. F. Menough, G. W. Fox.

No. 17. Printing, Publication, Accounts and Expenses—R. H. Scott, W. E. Chaplin, J. A. Casebeer, M. C. Barrow, H. G. Hay.

No. 18. Schedule, Future Amendments and Miscellaneous Matters—L. J. Palmer, J. K. Jeffrey, F. H. Harvey, R. C. Butler, W. C. Irvine, J. L. Stotts, A. L. Sutherland.

No. 19. Revision and Adjustment—H. E. Teschemacher, A. C. Campbell, C. D. Clark, J. A. Casebeer, J. W. Hoyt.

Mr. PRESIDENT. I would like to inquire of the committee that was appointed yesterday to look after printing, whether the rules have been printed or are in the hands of the printer?

Mr. JEFFREY. You ask in regard to the rules. As instructed by the convention, the rules were placed in the hands of the printer and are now being printed. I think we will have them today.

Mr. PRESIDENT. It is quite necessary that the list of the committees should also be printed. Slips, or something, might be printed with the names of the committees, so that the different members would know just what committees ther are on, and what their duties are. If slips were printed so each could have them it would perhaps be a matter of convenience.

Mr. HAY. If it is not too late, I would suggest that the lists of committees be printed with the rules. I think probably it can be gotten in. I will make a motion to that effect.

Mr. CAMPBELL. I second the motion.

Mr. PRESIDENT. It is moved and seconded that the lists of committees be printed with the rules. Are you ready for the question? All in favor of the question say aye. Those opposed no. The ayes have it; the motion is carried.

Mr. TESCHEMACHER. Are there any pages here? I move that some one of the officers be immediately sent to the printing office with these instructions, as it may save reprinting.

Mr. PRESIDENT. I believe that neither of the pages have appeared.

Mr. REID. I wish to say right here that the page appointed by Laramie county is not here. I have telegraphed to Fort Collins for him and he will be here tomorrow.

Mr. JEFFREY. I wish to state that before the rules are printed Mr. Slack has agreed to send a proof up here, and we can then find out about what time we can have them.

Mr. PRESIDENT. Would it not be well to send this down at once, so that they might begin setting up the type, even before he sends the proof up?

Mr. JEFFREY. The suggestion of the gentleman from Laramie will be caried out, and this list will be sent to the printers as soon as it can be prepared.

Mr. PRESIDENT. If there is no unfinished business, I have a communication from the governor of the territory that I will lay before the convention. Mr. Assistant Secretary, will you read the communication with its accompanying document.

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., Sept. 5, 1889.

Hon. M. C. Brown,
President Constitutional Convention,
Cheyenne, Wyoming.

Sir:—I have the honor to enclose you herewith, for the information of the members of the constitutional convention, copy of a letter recently received with relation to the contemplated visit to Wyoming of the U. S. Senate Committee on arid lands and irrigation.

Very respectfully,
(Signed) FRANCIS E. WARREN,
Governor.

San Francisco, Cal., August 29, 1889.

Hon. F. E. Warren,
Governor of Wyoming Territory.

Dear Sir:—By direction of Senator Wm. M. Stewart, chairman of the U. S. Senate Committee on arid lands and irrigation, I write to say that as at present advised, the said committee of said body will visit Cheyenne, arriving sometime in September, about the 22d to the 26th of that month. As it will be impossible for the committee to go elsewhere than your capital, Senator Stewart desires me to urge upon you the advisability of securing the attendance there of as many representative citizens who understand your irrigation plans and needs, so that their testimony may be secured. You will be advised by telegraph, probably from El Paso, of a more definite date.

Very respectfully,
(Signed) RICHARD J. HINTON,
Irrigation Engineer.

Mr. PRESIDENT. The communication, unless there is some motion to the contrary, will be referred to the committee on miscellaneous matters. I would suggest, if the convention will permit me, that the committee confer with Governor Warren about this expected visit, and what, if anything, can be done by us to aid in giving information to this congressional committee, and to aid the cause of irrigation that they have in hand.

Mr. SMITH. I move that this committee be instructed to take charge of the matter, and make provision for such action as may be deemed expedient and proper and report to this convention anything that they may deem it advisable for the convention to do.

Mr. RINER. It seems to me, but I don't wish to interfere with the president's reference at all, that as the proposed investigation relates so entirely to the question of irrigation, it seems to me that this matter should be referred to the committee on irrigation, and I move that it be referred to that committee.

Mr. CAMPBELL. I second the motion.

Mr. PRESIDENT. I wish to say to the gentleman from Laramie that communications of any character, I understand, generally go to the committee on miscellaneous matters, but I suggest that if the convention desire any special reference that I will refer it to that committee.

Mr. POTTER. It seems to me more than proper.

Mr. PRESIDENT. Gentlemen, you have heard the motion made by the gentleman from Laramie that this communication be referred to the committee on irrigation. May there be incorporated in that motion the further motion suggested by the gentleman from Carbon of consulting with the governor, and report what, if anything, need be done by this convention? Is that the desire of the gentleman from Laramie?

Mr. RINER. Yes.

Mr. PRESIDENT. The motion will be considered understood in that way. Are you ready for the question? All in favor of the motion say aye; those opposed, no. The ayes have it. The communication is referred to the committee on irrigation, with the instructions covered by this motion.

Mr. RINER. In order that this proposition in regard to the printing for the convention may be disposed of, I move that the proposition made by Mr. E. A. Slack, of the Cheyenne "Sun," be accepted, and that all the printing be referred to that office, to be done with the approval of the printing committee. The proposition was submitted yesterday, but not acted upon, as I remember.

Mr. SMITH. I second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion as made by the gentleman from Laramie, the substance of which was, as I remember, that all matter to be printed should pass through the hands of the committee on printing, and that the work to be done by the "Sun" office, or in substance amounting to that.

Mr. RINER. Upon the terms proposed by him he was to take his chances for an appropriation for his pay.

Mr. COFFEEN. There is just one question arising as to this. I think the proposition of the "Sun" was to do the printing (taking his chances for remuneration hereafter) by bid or specified agreement on the whole or a part. It appears to me that this convention has the power to refer this to the committee to be considered in connection with any bids that may come in from other sources. I only rise to say this that you may see the bearings of this. You have passed it beyond your reach, as to the question of price, if you pass over the thing in an omnibus way, an accumulated way, in that shape, and I think your constituency will expect of you that you take reasonable care of the expenses as you go along.

Mr. CAMPBELL. I agree with the gentleman from Sheridan. It was only this morning I had a talk with a printer here in town, Mr. Bristol, of the firm of Bristol & Knabe. I met him at the Inter Ocean corner, and he asked me whether any propositions had been made, and whether the contract had been awarded the "Sun" office. I said the committee on printing would have the matter in charge, and he said at that time that they wanted to be given an opportunity to put in bids, and that he was willing to do the work upon the same terms as Slack. I think it is premature to award this contract to any one person. If there are other printers who want to do this work, let them have an opportunity to put in their bids, and see what they are willing to do the work for.

Mr. REID. I fully agree with Mr. Campbell. I think it would be unjust in the extreme to the five other printing offices in this town to award this contract to Slack without consulting them. There are printing offices in Laramie City and all along the line of this road, and I tell you it looks hardly the square deal to award this contract without consulting them.

Mr. RINER. Perhaps I may be allowed to explain. Perhaps my motion was not broad enough, although I intended fully it should be. The whole matter is to be arranged upon the basis of Mr. Slack's proposition, which, as I understand it yesterday, was that he would do the printing on estimates made, and I supposed upon the general authority of the standing committee on printing, they would be the proper persons to make such estimates, and if there are any other printers who wish to make bids, they, could, of course, furnish the estimates to them. Of course, if there are any other printing companies who can do the work for less than Mr. Slack, I am in favor of giving it to them. I simply brought the matter up that his proposition be accepted, and thought the matter of arrangement could be left to the printing committee to make the best possible agreement in order that we might have some arrangement made for printing as we shall want to have it done from day to day, and whatever is done in regard to this matter should be done speedily.

The GENTLEMAN FROM ALBANY. As I understand the motion of the gentleman from Laramie, it would take the matter entirely out of the hands of the committee to award it to Slack, should his motion prevail.

Mr. BURRITT. I move as a substitute to that that the communication of Mr. Slack be referred to the printing committee, and that they be instructed to make the best possible agreement for the necessary printing of this convention.

Mr. ORGAN. I second the motion.

Mr. RINER. I will accept that as a substitute for my motion, so as to get the matter attended to.

Mr. PRESIDENT. I don't like to make suggestions to the gentlemen on the floor, but it occurs to me that it would be well if there was incorporated into that motion the further provision that the contract be made upon the best possible terms as to price, and under the conditions stated in Mr. Slack's letter. That is, that he would undertake to do the printing and take his chances of remuneration hereafter.

Mr. BURRITT. I move that we incorporate that last suggestion "under the terms suggested in Mr. Slack's letter."

Mr. PRESIDENT. Gentlemen, you understand the motion as made by the gentleman from Johnson. Are you ready for the question? All in favor of the motion will say aye, those opposed no. The communication from Mr. Slack is referred to the committee on printing, with the instructions covered by the motion.

Mr. COFFEEN. I desire to have the resolution which is on the secretary's desk read.

Mr. PRESIDENT. The secretary will read the resolution.

RESOLUTION OF MR. COFFEEN.

Resolved, That the Territorial Librarian be requested to furnish one copy of the Revised Statutes of Wyoming to each member of the convention at his earliest convenience.

Mr. COFFEEN. Mr. Chairman, I move the adoption of that resolution.

Mr. BURRITT. I rise to second the motion.

Mr. PRESIDENT. You have heard the resolution read. The motion is for the adoption of the resolution. Are you ready for the question.

Mr. COFFEEN. I think it may be well for me, as the mover of that motion to say a word. I am authorized to state on behalf of the librarian, and others who have canvassed this matter, that the librarian will feel himself authorized to do this if it comes officially from this convention.

Mr. PRESIDENT. Any further remarks?

Mr. SMITH. There is one thing. I would ask Mr. Coffeen if we are to have part of it if we might not have it all. There is a copy of the session laws in addition to the revised statutes. I would ask Mr. Coffeen to furnish both.

Mr. COFFEEN. I cannot include in this motion the point named, and will state in this connection that there is a great scarcity of session laws. That matter has been considered, but I understand that a copy of the session laws will be furnished to each committee room, notwithstanding the scarcity. There is an abundance of the other, but under the circumstances I cannot well include the session laws.

Mr. PRESIDENT. Any further remarks? The Chair hears none. Question. The question is on the adoption of the resolution. All in favor of the resolution will say aye; those opposed, no. The ayes have it. The resolution is adopted.

Mr. PRESIDENT. I suppose our sergeant-at-arms will act in place of a page until such time as we can get further help, carrying such communications as may be necessary.

Mr. FOX. I desire to offer a resolution.

Mr. PRESIDENT. Mr. Fox, of Albany, offers a resolution.

Mr. COFFEEN. I would inquire whether our resolution notifying certain state officials, delegate in congress, etc., that they are entitled to seats on the floor, has been communicated to these parties, and if not, I wish that it might be done.

Mr. PRESIDENT. I see our delegate in congress is present, and as the president of the convention I would be glad to convey to him the information expressed by the gentleman from Sheridan that he is entitled to a seat on the floor, and I should be very glad to have him use his privilege at any time.

The resolution of Mr. Fox may be read.

Assistant secretary. By Mr. Fox of Albany:

Resolved, That all matter any member may wish to be incorporated in the constitution shall be first introduced in the convention in writing, to be read by the member introducing the same, or by the clerk of the convention, and after a second reading shall be referred to the appropriate committee without debate. And no matter shall be incorporated in the constitution until the subject to which it relates shall have first been considered and reported upon by the committee of the whole.

Each article or resolution so introduced shall be printed, giving its consecutive number of introduction, and a copy thereof shall be furnished to each member before its second reading; Providing, that nothing in this resolution shall prevent the introduction of original matter by any standing committee.

Mr. MORGAN. I would like to have that amended, I think, just a little, and that is that it should not be mandatory that every document of that kind should be read unless called for.

There might be a very long document presented here, and it might not be desirable to have it read at that time. It could go to the proper committee. We could leave all that to the pleasure of the one presenting the paper.

Mr. FOX. My object in introducing this resolution was this. I confess my ignorance of Cushing's manual. I don't know what the order of proceeding is, and I think we should have some understanding about it. If the convention chooses to adopt this resolution, I will understand it, and if they don't choose to adopt it, it will bring to light Cushing's manual.

Mr. POTTER. I second the adoption of the motion.

Mr. PRESIDENT. The matter is now before the convention for its consideration.

Mr. POTTER. Answering the objection that my colleague makes, I desire to make a suggestion. If this is like a legislative body, or if matters are presented in the same manner, they would all have a title, and if they have anything like a title, they could, of course, be read in that way, by title, by motion. Or, if no title appears, it might be read by the first line say, or have it considered read by motion. I think there might be some objection to reading a long document like the one I see behind me here.

Mr. PRESIDENT. As suggested by the gentleman from Laramie, perhaps reading the whole thing could be avoided by reading by title, or by reading under the proper head, or subject, under which the matter should be presented. Any further remarks.

Mr. BURRITT. I rise to ask whether we are now working under the rules adopted yesterday?

Mr. SMITH. I think we are.

Mr. BURRITT. Then I object to the consideration of this resolution. The reason for my objection is, I have a recollection that three rules taken together cover everything contained in this resolution except the matter of printing, which would, if carried out as I understand that resolution now, bankrupt a richer assembly than this convention, perhaps the territory of Wyoming. I therefore object, giving notice that I desire to be heard on this resolution.

Mr. PRESIDENT. Does the gentleman from Johnson so fully remember the rules that he can refresh the memory of the chair upon that subject?

Mr. BURRITT. The chair will recall that the rules provide that propositions when introduced shall be in writing; that they shall then be referred to an appropriate committee; the standing committee first, then the committee of the whole convention, and third, to a select committee, and when three matters are offered at one time they shall be taken in the converse way in which they are made. That only such propositions as the convention shall order printed shall be printed, and it shall be subject to the order of the convention upon each proposition introduced. If there should happen to be five or six complete constitutions presented, I am a little suspicious about the capacity of the printing office that might get the job, and our getting home in one month. My recollection is, Mr. President, I may be mistaken, that under the rules resolutions giving rise to debate shall lie over one day before being acted upon if upon their introduction any member gives notice that he desires to be heard. If I am correct the objection of a member desiring to be heard disposes of the proposition until the following day without further debate. I desire to give notice to that effect.

Mr. PRESIDENT. I so understand the rules.

Mr. MORGAN. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Morgan.

Mr. MORGAN. If I am in order, I have the honor to present for the consideration of this convention, a constitution for the state of Wyoming. This constitution was prepared by an ex-chief justice of this territory, Judge J. W. Fisher. Judge Fisher has spent weeks of patient, conscientious work in preparing this document, prompted only, I believe by love and devotion to the country for which he so bravely fought, and for the territory where he has so long lived. He did not request or have any ambition to have his name mentioned in this connection but, of course, I could not present the result of his work without giving him the proper credit.

Mr. REID. I suggest that Mr. Jeffrey, as secretary, read that document.

Mr. PRESIDENT. In our order of business, as fixed by the rules, is there a time for the introduction of matters to be considered by the convention, or is the introduction of such things allowable at any time?

Mr. BURRITT. I would like to inquire of the gentleman from Laramie, Mr. Morgan, if he intends that as a proposition?

Mr. MORGAN. What do you mean by a proposition?

Mr. BURRITT. Mr. President, the rules provide that all propositions for the constitution shall be submitted in the order of their introduction, and shall be numbered from one consecutively, as I remember, and if this is a proposition it should be properly numbered.

Mr. MORGAN. Certainly this is a proposition.

Mr. PRESIDENT. The chair would state that it is at least the evident intention of our rules, so far as I remember them, and my memory is not very clear about it, in regard to propositions received is simply this. That a member may present parts of a constitution, but if a whole constitution is covered by his proposition, it should be numbered so that it might be referred by different portions to the different committees. I don't know in what form this entire constitution comes, not having examined it, but it will certainly have to be referred in parts to the different commitees.

Mr. MORGAN. Mr. President.

Mr. PRESIDENT. Mr. Morgan.

Mr. MORGAN. I would just state that I understand that that is the way it is prepared so it can be referred to the committees in parts. I believe there is but one subject on a page if I am not mistaken.

GENTLEMAN FROM FREMONT. I move that the first and last line of this constitution be read and the constitution accepted.

Mr. COFFEEN. I desire to suggest that the gentleman from Laramie who offered this proposition move its reference to a special committee on division. Then they could divide it up and prepare it for the proper committees. I do not desire to make such a motion myself, but simply suggest it to Mr. Morgan.

Mr. SMITH. I second the motion.

Mr. HOYT. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Hoyt.

Mr. HOYT. I rise for information. Would it be out of order to refer this to the judiciary committee, without the necessity of appointing a special committe?

Mr. PRESIDENT. I understand, gentlemen of the convention, from such information as has been furnished by Mr. Morgan, that this constitution which he has presented is so divided that there will be no trouble in referring it to the different committees as it is now presented. If the chair finds difficulty in referring it to the different committees it will ask the aid of the convention when it becomes necessary. No motion is necessary at the present time.

Mr. BURRITT. I move that this proposition be referred to the committee on legislative department, with the request that they divide it up, and report it back to the convention as soon as convenient. I make this motion with all the more readiness as the gentleman from Laramie, Mr. Morgan, is on that committee.

Mr. RINER. I second the motion.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter.

Mr. POTTER. I rise to a point of order. I don't think that that proposition is subject to reference by this convention.

Mr. RINER. I would further amend Mr. Burritt's motion by requesting that this bill be read by title only and then referred.

Mr. ELLIOTT. I rise to another point of order. You can not amend a motion that is out of order.

Mr. PRESIDENT. Your exception is well taken. The chair is unable to remember the different motions made. On this motion to refer, I would simply say that under my recollection of the rules it can not be referred at this time. It is a little difficult to pass an opinion upon any of these questions without having the rules before us, but that would be my recollection of the rules. Now, the first motion being out of order, the gentleman from Laramie, Mr. Riner, makes the motion that it be read by title. That motion I understand is seconded. I think that it is proper, although I have not the rules before me to refer to, but I think the motion to read by title is a proper one and in order.

Mr. SMITH. I understand that to be the rule, Mr. President, but it was not Mr. Riner's motion. His was to amend the motion of Mr. Burritt.

Mr. RINER. I seconded Mr. Burritt's motion, and then asked his permission to amend it and have it read by title and then refer it to the committee on legislative department, that they might consider it and report it back to the convention, so that they could refer it to the proper committees.

Mr. PRESIDENT. The chair understands the motion in that way.

The gentlemen of the convention will come to order. I have glanced over the rules as sent back to us from the printer, and am satisfied that what we have here does not incorporate all that was included in the rules as originally passed by the convention. If it is all incorporated in this reprint I have failed to find any reference to the particular matter now before the house as to the introduction of bills, or anything approaching a bill, and in the absence of the rules, will have to rely upon our remembrance of them.

Mr. MORGAN. We cannot quite hear you.

Mr. PRESIDENT. The question now is shall this constitution offered by Mr. Morgan be referred to the committee on legislative department. To be read by title and so referred. Are you ready for the question?

Mr. MORGAN. It seems to me that ordinary parliamentary practice should be for the chair to refer it. I think it is so arranged that it can easily be referred by the chair in that way. Mr. Campbell has examined this more recently than I have, and I think he understands that it is arranged in that way.

Mr. CAMPBELL. I understand that it is arranged in that way.

Mr. PRESIDENT. As the chair understands this power to refer, our rules expressly provide that the chair shall refer a proposition to its proper committee, unless the convention otherwise direct. A motion has been made to refer this in a peculiar way, and the motion is in order.

Mr. RINER. If I may be permitted to further explain. The only purpose I had in this was to save the chair the necessity of taking this document and wade through it, and endeavoring to find out the committees to which the subjects therein considered should be referred. My idea is that each subject considered should be presented separately and I think it the duty of the committee, or of any gentleman offering a proposition to see that it is so prepared so the chair can see at a glance where it should go, without being obliged to go to work and figure it out. If it is prepared without reference to any particular committee, I think the chair would be glad of any suggestions as to where the different subjects there treated of should go. It is simply for the purpose of expediting the work of the president that I make this suggestion.

Mr. CAMPBELL. As Mr. Morgan says, I have read the constitution through very recently. There are a great many good things in it. I think it would be well to consider it in connection with the constitution to be formulated by this convention. My own idea would be that it should be referred in parts to the different committees of this convention. For instance on different pages, under separate titles, he has devoted a good deal of space to taxation, ways and means, railroads, federal relations, etc. These should be referred to the particular committee of this convention having those things in charge and in that way it could be easily disposed of.

Mr. PRESIDENT. The question is upon the reference of the proposition to the committee on legislative department, with instructions that they divide it up and refer it to the appropriate committees. All in favor of the motion will say aye; those opposed, no. The noes have it. The matter presented will not be so referred.

The chair would suggest, and I think the gentleman from Laramie, Mr. Riner, made a very proper suggestion in regard to these matters, that we must, it seems to me, keep track of all this matter as files.

There must be some way of keeping our records so as to show where each file goes, and to what committee, and as this is divided up each portion of it forms a file by itself. If there is no objection the chair will examine the matter presented and divide it up as best it can, and they will then be read by title, according to the motion made, and referred to the different committees.

Mr. SMITH. Mr. President.

Mr. PRESIDENT. The gentleman from Carbon, Mr. Smith.

Mr. SMITH. I was not going to make a motion, but should like to ask for a little information. If my recollection is correct the rules provide that all matter introduced shall be read. Is that so?

Mr. PRESIDENT. That I believe is the rule.

Mr. SMITH. If that is the case, how are you going to avoid it?

Mr. PRESIDENT. I think reading by title and referring will answer in this case.

Mr. POTTER. Will the secretary read the title to File No. 1?

Mr. PRESIDENT. The secretary will please read as requested.

SECRETARY. File No. 1, introduced by Mr. Morgan, entitled Declaration of Rights.

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I move that we take a recess of fifteen minutes to allow the president to read the file over, and allow the Laramie county delegation to smoke their cigars.

Mr. REID. I second the motion.

Mr. PRESIDENT. The motion is that we take a recess of fifteen minutes. All those in favor of the motion will say aye; those opposed no. The ayes have it, and the motion prevails.

RECESS.

Mr. PRESIDENT. The gentlemen will come to order.

GENTLEMAN FROM UINTA. Mr. Chairman. Is there a motion before the house? If not, there is a matter I want to speak of while I think of it. The roll call this morning shows that my colleague, Mr. Clark, is absent, and I desire to state that while I have an impression that Mr. Clark obtained leave of absence from the president of this convention, in order that he might attend to his professional duties in the district court at Evanston, still I think that the record ought to show that Mr. Clark is not absent without leave, and for that purpose I will move that Mr. Clark be excused from further attend-ence upon this convention until such time as his professional duties will permit him to return, if I can obtain a second.

Mr. CONAWAY. Second the motion.

Mr. PRESIDENT. I will state to the convention that it is not in the power of the president to excuse any one, but that Mr. Clark informed me that he desired to be absent, and would be glad to be excused. If there is no objection, I will not put the motion fully, but Mr. Clark will be excused and our record will so show. There being no objection it is so ordered.

Gentlemen of the Convention: Your president has done the best he could to separate the matter that was presented for your consideration, and we will now have it read by title in accordance with the motion before made, and referred to the proper commitees. We will do the best we can to get it to the proper committees.

The secretary will please read title 1.

SECRETARY. File No. 1, introduced by Mr. Morgan, September 5th, 1889, entitled Declaration of Rights.

Mr. PRESIDENT. File No. 1 will first be disposed of. It has been read by title and will be referred to Committee No 1 on Preamble and Declaration of Rights.

Mr. PRESIDENT. The secretary will read the title to File No. 2.

SECRETARY. File No. 2, by Mr. Morgan, Legislative Department.

Mr. PRESIDENT. If there is no objection, File No. 2, having been read by title, will be referred to Committee No. 2, Legislative Department, unless the convention should order otherwise. There being no motion to otherwise refer it, it is referred to the Committee on Legislative Department, No. 2.

The secretary will please read File No. 3 by title.

SECRETARY. File No. 3, by Mr. Morgan, Executive.

Mr. PRESIDENT. If there is no objection, File No. 3, having been read by title, will be referred to Committee No. 3, Executive Department.

The secretary will read File No. 4 by title.

SECRETARY. File No. 4, by Mr. Morgan, Judiciary.

Mr. PRESIDENT. File No. 4 having been read by title unless otherwise ordered will be referred to Committee No. 4, Judiciary. There being no motion, it is so ordered, Mr. Secretary.

The secretary will please read File No. 5 by title.

SECRETARY. File No. 5, by Mr. Morgan, Qualifications for Office.

Mr. PRESIDENT. You have heard File No. 5 read by title and if there is no objection it will be referred to Committee No. 5, Qualifications for Office, etc. There being no objection heard it is so ordered.

The secretary will please read File No. 6 by title.

SECRETARY. File No. 6, Elections, by Mr. Morgan.

Mr. PRESIDENT. File No. 6 having been read by title, unless otherwise ordered, will be referred to Committee No. 5, on Elections, etc.

The secretary will read File No. 7 by title.

SECRETARY. File No. 7, by Mr. Morgan, Taxation and Finance.

Mr. PRESIDENT. File No. 7 having been read by title, unless otherwise ordered, will be referred to Committee No. 11, on Taxation and Finance. The chair hears no objection and it is so ordered.

Mr. PRESIDENT. The secretary will please read File No. 8 by title.

SECRETARY. File No. 8, by Mr. Morgan, Education.

Mr. PRESIDENT. File No. 8 having been read by title will be referred to the Committee on Education, No. 7, unless otherwise ordered by the convention. There being no motion, it is so ordered.

The secretary will please read File No. 9 by title.

SECRETARY. File No. 9, by Mr. Morgan, Militia.

Mr. PRESIDENT. File No. 9 having been read by title, will be referred to Committee No. 16, on Militia, unless otherwise ordered. There being no motion to otherwise refer it, it is so referred.

The secretary will please read File No. 10 by title.

SECRETARY. File No. 10, by Mr. Morgan, Public Officers.

Mr. PRESIDENT. You have heard File No. 10 read by title and it will be referred to Committee No. 5 unless otherwise ordered. There being no motion, it is so referred.

SECRETARY. I failed to hear the number of that committee.

Mr. PRESIDENT. No. 5.

The secretary will please read File No. 11 by title.

SECRETARY. File No. 11, by Mr. Morgan, City Charters.

Mr. PRESIDENT. File No.11 having been read by title, will be referred to Committee No. 12, on County, City and Town Organizations, unless otherwise ordered by the convention. We hear no motion and it is so referred.

The secretary will please read File No. 12 by title.

SECRETARY. File No. 12, by Mr. Morgan, Railroads.

Mr. PRESIDENT. File No. 12, having been read by title, will be referred to Committee No. 14 unless otherwise ordered by the convention. The chair hearing no objection, it is so referred.

The secretary will please read File No. 13 by title.

SECRETARY. File No. 13, by Mr. Morgan, Future Amendments.

Mr. PRESIDENT. File No. 13, having been read by title will be referred to Committee No. 18, on Future Amendments, unless otherwise ordered. The chair hears no objection and it is therefore so ordered.

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I move that Saturday, Sept.7, be set aside as the day for the reception of resolutions and propositions. If I can get a second I will explain that motion.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. You have heard the motion that Saturday—does the gentleman mean by that each Saturday?

Mr. TESCHEMACHER. Oh! no; Saturday, Sept. 7th.

Mr. PRESIDENT. That Saturday, Sept. 7th, be set aside for the reception of resolutions and propositions. Are you ready for the question?

Mr. TESCHEMACHER. I propose by this resolution to make that the special order of the day for that day, with the object if possible, of getting as many resolutions and propositions before this convention on that day to be referred to the various committees hoping in this way to have sufficient matter brought before them to give them work enough to go ahead on at the beginning of next week. Many members here naturally have resolutions which they wish to offer. Now, under our rules, as I understand them, resolutions giving rise to debate shall lie over one day, and as resolutions are offered every day, it becomes apparent that no committee will be able to go to work in a satisfactory manner, because just as they are ready to report on some one resolution, some other resolution will be introduced, and it will have to be necessarily referred to them, and their report will be put off. I therefore put this motion, hoping that members who have resolutions prepared or who are thinking of offering resolutions will put them in, as far as possible, on the same day. This will, of course, not preclude other resolutions being referred on any other day.

Mr. PRESIDENT. Any further remarks?

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter.

Mr. POTTER. I move to amend the motion so as to read a little differently. That the presentation of resolutions or propositions be made the special order for Saturday, instead of the day being set aside for that.

Mr. TESCHEMACHER. I accept the amendment.

Mr. POTTER. The other way, it might preclude other business that ought to be attended to.

Mr. PRESIDENT. Is there any further debate? Gentlemen, the question is upon the motion as amended to set aside Saturday for the special order of the introduction of resolutions, propositions, etc. All in favor of the motion say aye. Those opposed, no. The ayes have it, and the motion prevails.

Mr. RINER. I notice that we have present with us the Hon. Secretary of the Territory, and I now move that he be requested to address the convention.

Mr. CAMPBELL. I second the motion.

Mr. PRESIDENT. Without putting the motion formally, the chair gladly requests the gentleman to address the convention at this moment, if no objection is raised by the members, and I am sure none will be raised.

Mr. RINER. Never.

SECRETARY MELDRUM. The secretary has no speech prepared to present to this convention, and he will ask to be excused.

Mr. SMITH. Borrow one from the mover of the motion.

Mr. PRESIDENT. I have a communication from a very refined and excellent lady of the city of Cheyenne, offering thanks for the point made by the president upon his nomination to office. The lady I refer to is Mrs. F. E. Warren, who presents her compliments in the form of a beautiful bouquet, which you will see before you, and for which the president of the convention is very grateful. She expresses the hope that the members of the convention will act in accordance with the views expressed by the president at that time, in speaking on the subject of woman's suffrage. I think you will all appreciate her good judgment as one of the leading ladies of this city and of the territory, and I also trust that you will consider the nature of her request when you act upon that question.

Mr. MORGAN. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Morgan.

Mr. MORGAN. I have no motion to make, but I would ask that the president state the form in which these propositions should be made to the convention relating to the constitution.

Mr. PRESIDENT. The chair would say that I do not understand that these propositions are to come in any particular form. A party may present a proposition referring to any portion of the constitution in such form as the gentleman presenting it may see fit, but it should clearly designate in its title, or in some way, the general object of the proposition, so that if it is long it need not be read at length to the convention, unless the convention desires it, but can be referred to its appropriate committee by a brief statement of its subject. There might be, for instance, a great many propositions referring to corporations and they might contain propositions covering only a portion of the subject that would be taken in charge by the committee on corporations. You might divide up that proposition in as many ways as there are subjects, and refer each subject to its proper committee, But it should be clearly stated either in the designation of the proposition what it is intended to cover, so that it can be properly referred, or it should be stated on the back of the document in some way so that we may not be obliged, unless desired by the convention, to hear it read at all. It is the desire of the president, I assure you, to do all in his power to expedite the transaction of business as far as possible.

Mr. CAMPBELL. Mr. President.

Mr. PRESIDENT. Gentleman from Laramie, Mr. Campbell.

Mr. CAMPBELL. While we are on this subject, I might say that Judge Carey was in the room while the convention had its recess, and I asked him what the course was in congress, and I assure you that it is a very good one. He told me that all propositions submitted have a proper title as to what they relate to, and then endorsed on the back, each proposition has the name of the committee to which it belongs. If the proposition is found to contain matter which does not belong to the committee to which it is referred, it is then referred back to the proper committee, and it seems to me that it would be a very good thing for us to follow a course something like this.

Mr. PRESIDENT. It strikes me that it would be a very good thing when a proposition is submitted to have the clerk briefly state the subject, and it could then be referred by the chair, but if the party referring it will so endorse it with the number of the appropriate committee, it will save the chair looking into the subject matter.

Mr. SMITH. Mr. President.

Mr. PRESIDENT. The gentleman from Carbon, Mr. Smith.

Mr. SMITH. I don't understand that there is anything special before the house, and since we are taking about this matter, perhaps it might facilitate matters to have some definite understanding about it. I think that members should always be careful not to include two subjects in the same proposition offered, or at least have each subject on a separate page. The title should include the subject itself, and should be endorsed on the back with the number of the committee to which it belongs, and the name of the member who offers the proposition. I know that in the Pennsylvania legislature ment of the committee to which it belongs, and the title itself must also indicate the subject to be covered and the name of the person who presents it.

Mr. RINER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Riner.

Mr. RINER. I wish to make a motion by common consent. I move we adjourn until tomorrow morning at 10 o'clock.

Mr. GRANT. I second the motion.

Mr. PRESIDENT. I believe our rules do not set any special time.

Mr. RINER. I think not.

Mr. PRESIDENT. Gentlemen, the question is upon the motion to adjourn until 10 o'clock to-morrow morning. Are you ready for the question? All in favor of the motion say aye; those opposed no. The ayes have it, the motion prevails. The convention stands adjourned until 10 o'clock to-morrow morning.

FIFTH DAY.

MORNING SESSION.

Friday, Sept. 6, 1889.

Convention assembled at 10 o'clock a. m., President Brown in the chair.

Mr. PRESIDENT. Gentlemen, come to order.

Prayer.

Mr. PRESIDENT. The secretary will call the roll.

Roll call.

Mr. ELLIOTT. Mr. President, I would suggest that the committee on agriculture be notified of the fact that the rolll has been called, they are in the committee room at work,

Mr. PRESIDENT. Is the committee in session.

Mr. ELLIOTT. They are.

Mr. PRESIDENT. The sergeant-at-arms will please notify them.

(The Committee on Agriculture is notified as above suggested and come in.)

Mr. PRESIDENT. The secretary will please call the names of the gentlemen.

Mr. Butler will necessarily be absent for a day or two and asks to be excused. Mr. Downey has been excused by the action of the convention for a few days until he can be here. Mr. Clark has also been excused. The records may so show. Mr. Frank is absent today and asks to be excused until Monday. Mr. Scott is also absent on very urgent business, and will be absent until Monday and desires to be excused. Mr. Hopkins has not yet qualified as a member of this convention, nor has Mr. Harvey, whose names are called. So far as I can remember, these are all the members who asked to be excused.

Mr. GRANT. I have been requested to name Mr. McGill.

Mr. PRESIDENT. Are there any others?

Mr. BARROW. It will be absolutely necessary for me to be absent two or three days. I would like to go home to-day, and cannot return before Tuesday, but if the convention will grant me leave until that time I will be able to be here from that time until we conclude our work.

Mr. HOYT. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Hoyt.

Mr. HOYT. I move that the gentleman be excused in accordance with his request.

Mr. PRESIDENT. If there is no objection, the gentleman from Converse will be excused, as one of those members who are necessarily absent for a day or two. Is there any objection? There appearing to be none, he stands excused. The secretary will so record it.

READING OF THE JOURNAL FOR THE FOURTH DAY.

Mr. PRESIDENT. Are there any corrections to the journal?

Mr. TESCHEMACHER. If I recollect rightly the recess took place before the reference of the matters handed in by Mr. Morgan. As the journal reads it appears that after the reference the convention took a recess of thirty minutes, as I understand it, and so shows no reason for a recess.

Mr. PRESIDENT. My recollection of the proceedings would be in susbtance this: That the motion to refer was made before the recess. The recess was then taken and pending the recess the matter offered was arranged and afterward referred.

Mr. TESCHEMACHER. Yes, that was the way.

SECRETARY. Do you wish the records to show that the recess was taken before the reference?

Mr. TESCHEMACHER. If you will remember I was the mover of that motion to take a recess, in order to give the president time to look over the matter.

Mr. PRESIDENT. I remember it very clearly. Will you read the record as to that matter as it now stands.

SECRETARY reads: "The convention thereupon stood in recess for thirty minutes."

Mr. PRESIDENT. The fact is that the presentation of the proposition came first, and the recess between the two. The records can be so changed if the convention so orders. Will you now read that part which preceeds the recess?

SECRETARY. "The following propositions were then read for the first time by title and referred. File No. 1, by Mr. Morgan, etc."

Mr. PRESIDENT. The point made by the gentleman from Laramie, is that the words just read should not go into the record until after the motion for recess. They were first read, then there was the recess, and after the recess they were referred. It is not a very important matter, I suppose. Is a motion necessary to change?

Mr. TESCHEMACHER. As the record now reads, Mr. President, there was no object for that recess.

Mr. PRESIDENT. Exactly. If there is no objection it will be changed in accordance with the facts, as suggested by the gentleman from Laramie.

Mr. COFFEEN. Mr. President.

Mr. PRESIDENT. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. I notice that the records show the carrying of an amendment in regard to the appointment of a stenographer, but makes no mention of the motion as amended having been carried. It appears to me that after the motion to amend the main question must be put as amended. It was so done as I remember, and the record should so show.

Mr. PRESIDENT. The point is well taken, and I am not quite sure that the records so show that or not. I noticed as we were passing on through the record, a motion to amend was made and carried, and my recollection is that the motion as amended does not appear to have passed.

Mr. COFFEEN. It does not so appear in the record, although in accordance with the facts it did.

Mr. PRESIDENT. Will the secretary please turn to that part of the record. Of course the committee could have acted without authority, unless the motion as amended had been adopted by the convention.

SECRETARY. "Mr. Chaplin moved that we do not employ an official stenographer." Mr. Teschemacher offered an amendment that we do employ a stenographer. The amendment was adopted."

Mr. COFFEEN. The motion to amend was adopted. See what became of the original motion as amended. This is the point I bring up.

Mr. PRESIDENT. The secretary will remember that a motion was made to amend the motion. The ayes and nays were called upon the motion to amend. If I understand the record that motion prevailed. Afterward, the question was upon the adoption of the motion as amended. The record does not show that the question was so adopted. A few words will change it.

Mr. SMITH. As I understand it, the original motion was not put. That is my recollection of it. The very nature of the two motions themselves, one that a stenographer be employed, and the other that a stenographer be not employed, and the adoption of either one of them would necessarily dispose of the other. It seems to me that the motion was not to amend, but rather in the nature of a substitute.

Mr. TESCHEMACHER. As the mover of the amendment I think I can correct the gentleman from Carbon. It was not intended to be a substitute, but I moved it as an amendment. The question was put as an amendment and then carried. The president pro tem, Mr. Riner of Laramie, put the question on the original motion as amended, and the vote was taken on that.

Mr. COFFEEN. That is correct.

Mr. PRESIDENT. The records should so show the corrections as made. Are there any further corrections?

SECRETARY. Would it be sufficient to say that the original motion as amended was finally adopted?

Mr. PRESIDENT. Yes. Are there any further changes to be made in the record? If there is no objection it will stand approved. The chair hears no objection. The record will now stand approved.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. Gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I don't want to suggest any corrections to the record of yesterday, but I should like to have the journal of this morning show my presence in the hall. I will also speak for my colleague, who came in a few minutes late.

Mr. PRESIDENT. The record will so show. Are those all who came in since the roll call?

Mr. REID. Mr. Morgan, I think, came in.

Mr. PRESIDENT. Mr. Morgan. Did the secretary get the name of Mr. Morgan? The roll call will show the presence of these gentlemen.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. Is there any business before the house now of any special order?

Mr. PRESIDENT. We have no special order of business.

Mr. FOX. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Fox.

Mr. FOX. At the present time I wish to make my report on the credentials of Mr. Harvey, who was appointed by the Democratic central committee of Converse county to succeed Mr. Baldwin, who was elected, but who is now sick in bed, and recommended to the committee that Mr. Harvey be appointed in his place in this convention, and under the circumstances we consider the credentials are proper and correct.

Mr. PRESIDENT. The chair would state to the convention at this time that it is better to adhere to our rules as far as we can, and the chair will announce the order of business from time to time as we reach it, and that matter will come before the convention under its proper head. The chair was about to announce that the journal having been read and approved, the next order of business is the presentation of petitions, as I have it here. I believe it is the presentation of resolutions, propositions, etc., under the rules is it not?

Mr. PALMER. I have some resolutions that I ask to be read by title, and referred to the proper committees.

Mr. PRESIDENT. The matter of the credentials of Mr. Harvey will first be considered, and the chair will refer the matter to the committee on credentials for their report and action, if there is no objection.

Mr. BURRITT. I call for the reading of the instruments, of the papers.

Mr. PRESIDENT. If desired, I will, of course, order them to be read for the getleman, but it appears to me that they should be referred now to the committee and then have the whole matter presented to the committee of the whole by that committee. However, if the gentleman desires their reading at this time they will be read. The secretary will read the credentials offered by Mr. Harvey.

Mr. BURRITT. That is not what I called for. It is the reading of the propositions offered by the gentleman from Sweetwater.

Mr. PRESIDENT. The credentials will be referred as the chair suggested. We will have the reading of the propositions from the gentleman from Sweetwater.

Mr. BAXTER. I am rather anxious about this matter. I may be mistaken, but I am under the impression that the order of business does not provide any special time when credentials shall be presented. There is a gentleman here who is entitled to be treated with every degree of respect and courtesy, and it seems to me that he should be seated without delay, and before we continue in the consideration of questions that he may be interested in. My impression is that this matter of credentials should have precedence of every thing else.

Mr. PRESIDENT. The credentials have been referred to the committee. The matter is no longer before the house.

Mr. HAY. Mr. Fox was intending to report on the credentials at the time he spoke.

Mr. PRESIDENT. The chair did not so understand it.

Mr. FOX. That was my intention, and I so stated it. A majority of the committee have examined the credentials and we are prepared to recommend that they be accepted and Mr. Harvey sworn in. If the convention will give us a recess of five minutes we will make our final report.

Mr. IRVINE. I understood it as the gentleman has just stated. I was not inclined to press the matter, but being one of the colleagues of the gentleman, I am much obliged to the gentleman for raising the question. As I understand it, the credentials have been before the convention and, taking the precedent as established in this convention to hurry these matters along, I have taken the pains to telephone to Justice Carroll and he will be here perhaps in a few seconds, and I would not like to keep him waiting.

Mr. PRESIDENT. I will state to the convention that the chair has no disposition to retard or put back the admission of any delegate to the convention. We are all anxious that every part of the territory should be fully represented. The chair did not understand Mr. Fox as presenting the report of the committee. The presentation of the credentials of any member is entirely in order at any time. It seems to me that the proper way to treat these matters is for the credentials to be presented to the convention, and then let the convention dispose of the matter as it may see fit. The chair has disposed of this matter for the present. The credentials having been presented by the gentleman from Albany, Mr. Fox, were referred by the chair to the special committee appointed on credentials. That matter is now before that committee, and in the proper way, as far as the judgment of the chair goes. The matter has been brought to the attention of the gentlemen of the convention—has been referred to the committee and that committee may report at any time.

Mr. COFFEEN. Would it not be well for us to take a recess of a few minutes that the committee may consider the matter and at once report on that subject.

Mr. PRESIDENT. The chair will entertain any such motion.

Mr. COFFEEN. I move we take a recess of five minutes in order that the committee may meet and report.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we take a recess of five minutes in order that the committee may report. All in favor of the motion will say aye. Those opposed no. The chair is in doubt, but I believe the ayes have it.

Mr. BAXTER. Division.

Mr. PRESIDENT. A division is called for. All in favor of the motion will rise and stand until counted. Nineteen. The gentlemen will be seated. Those opposed will rise. Thirteen. The motion for a recess prevails.

Mr. FOX. The committee on credentials will please meet in the west room.

Recess of five minutes.

Mr. PRESIDENT. The convention will come to order. The gentlemen will be seated. We will now proceed in the regular way until we come to the call for reports of committees, and at the proper time the special committee can report on the credentials, but we will proceed under the head we were working under at the time the recess was taken, which was the presentation of resolutions, etc. Are there any to be presented?

Mr. JEFFREY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Jeffrey.

Mr. JEFFREY. Mr. President. It is well understood that most of the constitutional conventions that have been convened have had some warrant of authority conferred upon them by acts of congress. We have behind us simply that most powerful of all agencies, the will of the people. In following out the manner of providing a constitution for the future state of Wyoming, it has been seen fit to follow the provisions as laid down in Senate Bill No. 2,445. Among the provisions of that bill almost the first that we find, is one requiring that after organization the delegates shall declare on behalf of the people of the proposed state that they adopt the constitution of the United States. Therefore, with the consent of the convention, I offer the following resolution and move its adoption:

"Resolved, That the delegates of this convention, elected for the purpose of forming a constitution for the proposed state of Wyoming, do hereby declare, on behalf of the people of said proposed state, that they adopt the constitution of the United States."

I neglected to state that this provision goes on and states further "Whereupon the convention is then authorized to frame a constitution and state government for said proposed state."

Mr. SMITH. I second the motion.

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter.

Mr. POTTER. I don't object to the resolution in substance, and its terms may be, perhaps correct; of course one could not tell from simply hearing it read. I have no doubt Mr. Jeffrey has given it considerable thought and attention, and that it is all right, but there are several other things that it will be necessary for this convention to ordain and declare. They go under the head of "ordinances."

They are not a part of the constitution, strictly speaking. We have no committee on ordinances, and I was about to move, as soon as I could learn the method of proceeding, that we amend our rules by establishing a committee on ordinances. Resolutions of this character would then go to such committee. It seems to me that such an important resolution ought not to be adopted without being first referred to a committee to examine carefully into its language, and report it back to the convention with the recommendations of such committee. I think we ought to be very careful about this, as it strikes me that this is a matter of unusual importance.

Mr. JEFFREY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Jeffrey.

Mr. JEFFREY. I wish to state by way of explanation that as has already been stated by my colleague, Mr. Potter, I have given this resolution a great deal of thought and consideration, and so far as possible the language of the act itself has been used. The section from which I read further provides that "the constitution shall be republican in form," etc. The evident intention of the provision is that this resolution shall be entirely separate and distinct from the ordinances referred to by Mr. Potter, as will be seen by the further reading of this bill that "said convention shall provide by ordinances," etc. The declaration adopting the constitution of the United States, from the reading of this bill, we judge is a matter to be passed upon by itself, and separate and distinct from the ordinances mentioned. That is the way that I take, and I think that it is the general desire of the members of this convention that in framing this constitution we should follow out as nearly as possible the provisions of this Senate Bill No. 2,445.

Mr. CAMPBELL. If it is not out of order I would call for a second reading of that resolution, that we might understand its terms.

Mr. PRESIDENT. The resolution may be read a second time.

(Resolution re-read.)

Mr. POTTER. If I am not out of order in speaking twice on the same subject, I ask the attention of the convention just a moment.

Mr. PRESIDENT. Is there any other member of the convention wishing to speak on this proposition? As no one seems to desire to do so the gentleman will proceed.

Mr. POTTER. I wish to explain why I think this ought to be referred. I don't think the word "proposed" ought to be in this resolution. I will read what was passed by the Colorado convention:

We, the people of Colorado, with profound reverence for the Supreme Ruler of the universe, in order to form," etc. They do not say proposed state, but the people of Colorado. I think we ought to say the "people of Wyoming," instead of "proposed state." I think we ought to be exceedingly careful about this.

Mr. SMITH. I would simply call attention again to the act. If you will listen to the reading of this act it seems to me there is no question but what the wording of the resolution is as it should be. "After organization, shall declare on behalf of the people of the proposed state, that they adopt the constitution of the United States," etc. While there is no question but what great care should be taken in this matter, as part of our action, it will be important it seems to me, and the safer plan for us to follow the language of this bill as nearly as we can.

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I don't see, Mr. President, why we are wasting our time on this subject. I don't suppose my colleague from Laramie thinks that until we have passed this ordinance we are unable to go ahead with our work. The United States congress only requires that before this constitution is adopted, we shall pass such an ordinanace, but I see no reason why this ordinance should not be referred as well as any other. Under the rules, when any resolution is received, the chair is obliged to refer it, and under our rules I think this resolution should be referred without spending any more time talking about it.

Mr. JEFFREY. By way of explanation I will say that I do not wish to hurry this matter, but am willing that it be referred wherever the chair may see fit to refer it.

Mr. PRESIDENT. The chair would sugest to the convention that in his judgment we had better proceed regularly as far as we can under our rules. Now we are proceeding under the head of the presentation of resolutions, propositions, etc. Under the rule, as I remember it, and I have not had an opportunity to re-read them, a resolution or proposition, when presented may be read by the gentleman presenting the same, or it may be presented to the clerk and read by the clerk, but after that is done, then the matter is before the convention for action. A motion, however, to suspend the rules, if necessary and take the matter up for immediate consideration would be in order. But to simply present a resolution and immediately move its adoption strikes the chair as being a little out of order under our rules, but I am not sure of it.

Mr. JEFFREY. In order to avoid all misunderstanding, I withdraw that portion of the motion and merely offer the resolution.

Mr. PRESIDENT. The resolution is before the house. Are there any further propositions to be presented?

Mr. CAMPBELL. I have here two propositions to present to the clerk.

Mr. PALMER. I believe I presented some propositions, with the request that the clerk read.

Mr. PRESIDENT. The propositions have been received and will be placed on file. Are there any further propositions?

Mr. FOX. I understand by our rules that a proposition for a preamble shall be the last thing considered in the committee on the whole, but I think it might as well be introduced now as any time. In looking back to the source of all goodness and wisdom, we are told that the "first shall be last and the last shall be first," and in this case I think we will be following out the Scriptural instructions by making the last first. I offer a resolution.

PREAMBLE.

We, the people of Wyoming, grateful to Almighty God for the civil, political and religious liberty He has permitted us to enjoy, and looking to him for a blessing upon our endeavors to secure and transmit to succeeding generations a more independent and perfect form of government, establish justice, insure tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this constitution for the state of Wyoming.

Mr. COFFEEN. I rise to make inquiry concerning the rules in their bearing on Mr. Palmer's resolution. He offered it, requesting it to be read by title. I think under our rules these resolutions might all be read by title so that we might know what questions are being presented as they go to the table.

Mr. PRESIDENT. As soon as the several propositions are upon the files, the chair will take them up in the order offered, calling the attention of the convention to them, and refer them to their proper committees. They may be read and disposed of as the convention sees proper, but we are now simply having them offered. Are there any other propositions or resolutions?

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I don't know that I am out of order, but I presume that I am. I learn through the Associated Press dispatches that a convention is now in session in Santa Fe, N. M., representing the people of that territory, and engaged in a work similar to the one before us here, and it seems to me that it would be eminently proper for the representatives of the people of this territory to send greetings to the people of New Mexico, with such expressions that both territories be admitted soon as states, as they should be, as shall seem proper. I desire to move that the chair be requested by the convention to send such communication.

Mr. PRESIDENT. Will the gentleman put his motion or resolution in writing, and present it to the secretary?

Resolution offered by Mr. Baxter.

Resolved, That the president of this convention be requested to send to the president of the constitutional convention of the territory of New Mexico, now in session at the city of Santa Fe, greetings of the people of Wyoming, and convey some expressions of the hope which we entertain that both Wyoming and New Mexico may at an early day be admitted as states in the union, as of right they ought to be.

Mr. CHAPLIN. Mr. President.

Mr. PRESIDENT. Gentleman from Albany, Mr. Chaplin.

Mr. CHAPLIN. I have a proposition to present, Mr. President.

Mr. PRESIDENT. Are there any further propositions or resolutions?

Mr. HOYT. Mr. President. If it would be in order I would like to move an amendment to the standing rules by an increase of one of the committees. Standing committee No. 10, on Manufacturing, Commerce, Live Stock Interests and Labor, covers so wide a field, embraces so many important territorial interests, as well as the universal interest of labor, that it seems to me eminently proper to increase it from seven to ten so that each county may have a representative on this important committee. Without offering a formal resolution, therefore, I move that the number of the committee be increased from seven to ten, and further ask that this matter be referred to the proper committee.

Mr. PRESIDENT. Will the gentleman from Albany put his motion in the form of a resolution, and offer it to the clerk that it may be considered.

Resoution of Mr. Hoyt.

Resolved, That the number of members of Standing Committee No. 10, entitled Manufacturers. Commerce, Live Stock Interests and Labor, is hereby increased to ten, in order that each county of the territory may be represented thereon.

Mr. PRESIDENT. Are there any further propositions? The chair will take up such as have been presented. The secretary will please read.

SECRETARY. The first proposition presented this morning is File No. 14, by Mr. Barrow, concerning "county seats, boundaries and divisions of counties."

Mr. PRESIDENT. The secretary will read the proposition as presented.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. Mr. President. I rise for the purpose of calling for the reading of all these propositions, and if the chair will allow me I will give my reasons for so doing.

Mr. PRESIDENT. The gentleman will proceed.

Mr. BURRITT. Ordinarily, the presenting of these propositions where they are read by title alone, gives the members of the convention generally no idea of what they contain, and we shall know nothing about them, have no chance to think about them, to consider them, until they are returned to us from the committees. Some of us will be so busily occupied upon the several committees upon which we are that we will not have time to think over these things. If read we will know just what they are about, perhaps have time to think them over, consult books and read up about them, with a view to voting intelligently upon them. In addition to this I am informed by the gentlemen of the press that it is not only their purpose, but their strong desire, to make reference in their daily reports of this convention to the substance of the propositions that are introduced here, and I deem it of importance that if this can be done and will be done by the press, that it should be done, in order that some of these propositions, which may not meet with the approval of our constituents, may come to their knowledge. Otherwise, it might be too late for them to communicate with a good many of us. But if the substance of these propositions was printed in the morning papers they would reach almost every part of the territory, and if our constituents have any desire they will have an opportunity to write us and let us know what their wishes and desires are in reference to these matters. It may be that during this entire session there will only be six or seven or eight of these entire propositions that our constituents at home will care to read or know anything about, but they may be very deeply interested in those six or seven, and I think it well worth the time that will be used. The gentleman from Laramie, Mr. Potter, also suggests to me that we will not know, unless these are read, whether we want them printed or not, and it may be that some of these matters may be deemed of such importance that we will want them immediately printed, and it is within the province of this convention, under the rules, to see that propositions are printed whenever they are so desired.

Mr. PRESIDENT. I am looking at the rules which I have here, but have not yet reached any part of them bearing directly upon this question. I will undoubtedly do so shortly. I take it, if there is no objection, the propositions may be read at length. The clerk may proceed with the one now in hand.

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. Before we proceed further, I would like to rise to a question of privilege. It seems to me that we are acting in a most extraordinary manner toward a gentleman who has credentials as a member of this convention. It seems to me that when there are members present who have credentials to this convention that the rules ought to be suspended and the committee on credentials ought to be instructed to report at once. As we are working now, we are discussing important questions, having one of our members sitting outside the bar of this convention. It is certainly a great lack of courtesy towards that member, although I understand that we are doing it under our rules as they are at present arranged, I move that the rules be suspended and that the committee on credentials be requested to report immediately.

Mr. CAMPBELL. I second the motion.

Mr. PRESIDENT. The motion is made that the rules be suspended, and that the committee on credentials be requested to report immediately. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it. The rules are suspended and the committee on credentials is requested to immediately report.

Mr. McCANDLISH. I have here the credentials of Mr. F. H. Harvey, and the report of the committee on the same.

Mr. PRESIDENT. The assistant secretary will read the report of the committee on credentials as presented.

Report of committee on credentials.

Cheyenne, Sept. 6, 1889.

Mr. President:

We, your committee on credentials, have examined the credentials of Mr. F. H. Harvey, of Converse county, and do recommend that he be entitlted to a seat in the convention.

G. W. FOX, Chairman

J. M. McCANDLISH, Secretary Pro. Tem.

Mr. BAXTER. I move that the report of this committee be accepted and placed on file, and the gentleman, Mr. Harvey, be sworn in.

Mr. COFFEEN. I second the motion.

Mr. PRESIDENT. It is moved and seconded that the report of the special committee on credentials be accepted and adopted, and that Mr. Harvey be sworn in and considered as a member of this body.

Mr. FOX. I would state that this is the regular committee on credentials.

Mr. PRESIDENT. Are you ready for the question? All in favor of the question will say aye; those opposed no. The ayes have it.

Will Justice Carroll be kind enough to come forward.

Mr. Harvey is here sworn in.

Mr. PRESIDENT. The clerk was about reading a proposition; the reading will be proceeded with. I take it that it is unnecessary for the president to welcome specially any one member. I am sure from the vote of the convention, it being unanimous, that we will all be glad to have Mr. Harvey with us. Had I been here yesterday morning I should have been glad to offer my congratulations to Major Baldwin, who comes here from Fremont county. The reading of the proposition will be proceeded with.

SECRETARY. File No. 14, by Mr. Barrow, "County Seats, Boundaries and Divisions of Counties."

Sec. 1. The several counties of the territory existing at the time of the adoption of this constitution are hereby recognized as legal subdivisions of this state.

Sec. 2. No new county shall be created with an assessed valuation of less than three million dollars, as shown by the last previous assessment for state and county purposes, and in all cases of the division of counties, no new county shall be established which shall reduce the assessed valuation of any county to less than three million dollars.

Sec. 3. No county seat shall be removed unless three-fourths of the qualified electors of the county voting upon the proposition at a general election shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

Sec. 4. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Mr. PRESIDENT. The proposition will be referred to Committee No. 6, on Boundaries and Apportionment, unless otherwise ordered by the convention. It is so referred.

Mr. POTTER. If I am not too late, it seems to me that it should be referred to Committee No. 12, on County, City and Town Organization.

Mr. PRESIDENT. Perhaps it should. Does the proposition contain special reference to boundaries, etc., Mr. Secretary?

SECRETARY. Reading: "County Seats, Boundaries and Divisions of Counties."

Mr. PRESIDENT. If it is so endorsed upon the back of the document and concerns these matters, it should go to the committee on boundaries, although from the reading of it it would seem to refer more especially to theo rganization of counties than it does to boundaries.

Mr. IRVINE. I agree with the president. I think the bill should go to the committee as referred by him.

Mr. PRESIDENT. If there is no objection, it will be referred to No. 6, as the endorsement of the paper seems to indicate that committee.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I second the nomination of Mr. Potter, the gentleman from Laramie.

Mr. PRESIDENT. The chair has disposed of the matter, no motion having been made until after the proposition was referred. I will gladly recall that action, and refer the matter to the convention on the motion as made. Is there a second to the motion made to refer?

Mr. BURRITT. I seconded the motion.

Mr. PRESIDENT. A little tardy perhaps, but we will take it as made.

Mr. PRESIDENT. The question is on reference of the proposition contained in file No. 14 (is it not, Mr. Secretary?) presented by Mr. Barrow. It is proposed to refer it to committee No. 12, on county, city and town organizations. Are you ready for the question? All in favor of referring to committee No. 12 will say aye.

Mr. IRVINE. If the chair will allow me, and if I am permitted, and before the question is put, I would like to move an amendment to the motion. I do not think the chair heard me before.

Mr. PRESIDENT. We will retrace our steps again, if there is no objection. I would be glad if members in addressing the chair would speak loud enough so I could hear them, as I do not desire to pass over anyone without giving them proper attention and courtesy.

Mr. IRVINE. Knowing the intention of the gentleman who presents the proposition, I should be very glad if I am allowed to make an amendment.

Mr. PRESIDENT. The matter is before the convention for their disposition.

Mr. IRVINE. As I said before, knowing the gentleman's purpose in offering the proposition, I move to amend the motion as made by the gentleman from Laramie, by moving that instead of referring to the committee mentioned by him, I forget the number, that the matter be referred to committee No 6.

Mr. PRESIDENT. The chair thinks that perhaps that would come within the line of the amendment. Is there a second to the motion?

Mr. HARVEY. I second the motion.

Mr. PRESIDENT. The original motion was to refer this matter to committee No. 12. A motion is now made to amend by referring to committee No. 6. The first question is upon the amendment. Are you ready for the question?

Mr. BURRITT. I rise to a point of order. The amendment is not in order. Under the rules, any member of the convention may suggest a committee on a motion of reference; and further the rules provide the order in which the votes upon the reference shall take place.

Mr. PRESIDENT. Will the gentleman refer to the rule under which he raises his point of order.

Mr. BURRITT. If the chair will lend me the rules I will soon find it.

Mr. PRESIDENT. Here is a copy of the rules which a gentleman of the convention has loaned me.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson.

Mr. BURRITT. Rule 33 provides, "when a motion is made to commit to a committee of the whole convention, or to a standing committee, it shall not be in order to amend such motion by substiting any other committee, but if any committee shall be suggested the motion shall be put upon the committee first named, and afterwards upon the committee or committees suggested in the order in which they are named; but a motion to refer to a committee of the whole convention, to a standing committee or to a select committee, shall have precedence in the order here named."

Mr. PRESIDENT. The point of order seems to be well taken.

Mr. IRVINE. I believe that the point is well taken, and I rise therefore to a question of privilege. I simply wish to state to the convention that I am absolutely sure that the intention of the drawer of the proposition is to take care of county boundaries. That is the intention of the drawer of the proposition I know. If there is any such rule whereby a proposition can be handicapped by jumping it out of its proper committee, I think we had better amend the rules.

Mr. POTTER. My object in making the motion was not to take this from its proper committee, but to put it where, in my judgment, it belonged. If in the judgment of this body I am wrong, I am perfectly willing that it should go to some other committee. It makes no difference where it goes so it is referred to the proper committee. But it seemed to me that the other was the appropriate committee by reason of its reference to these matters. The reading of that proposition referred entirely, in my opinion, to the organization of counties and the changing of county seats, which is included in the organization of counties; it did not seem to me that boundaries was the subject matter of it. I have not the slightest desire to take it away from its proper committee, and if it belongs to the committee on boundaries, I am perfectly willing that it should go there. I simply made the suggestion for that reason.

Mr. CONAWAY. I think that the different views of the different members of this convention on the question as to what committee is the proper and appropriate one to take charge of this resolution, arises from the fact that it contains some matter which might properly go to the committee on boundaries and apporionment, and also other matters that might properly go to committee No. 12, on county, city and town organization. There is matter there relating to the apportionment of indebtedness on the organization of new counties which would properly go to Committee No. 6. And with the organization of a new county; again, it is always necessary to establish boundry lines, and that matter would properly go to Committee No. 6. However, there is other matter in the proposition in regard to the organization of new counties, which it seems to me would properly come under Committee No. 12, in regard to County, City and Town Organizations. If the proposition is so drawn in sections that portions of it can be referred to one committee and portions to another, I presume that that would be the proper course. Otherwise, I presume it is not of very much importance which committee it is referred to, as in either case the committee will simply consider it, report it back to the house with their recommendations and it will ultimately get into the hands of the committee where it belongs. I merely suggest that if it is drawn in sections so it can be divided, portions of it can go to each one of these committees.

Mr. CAMPBELL. Question.

Mr. PRESIDENT. The chair will explain briefly to the convention the idea which he had in view in referring this to Committee No. 6. It seemed to me that the main substance of this proposition was upon the organization of counties, and not county boundaries, as suggested by the gentleman from Laramie. There are also portions which contain important matters, or features, relating to county boundaries. My idea in referring it to the committee on county boundaries was that they might consider it in their own way and report. The matter would then be before the convention to be disposed of as they thought best, and as it contained matter which should be considered by No. 6, that committee in their report, if they choose, could recommend to Committee No. 12 so much of it as would properly go to that committee for their consideration. However, the chair is very glad to have the suggestions of the members as to the disposition of the matter in the way they see fit. I will read the rule, so that we may act understandingly on the subject before putting the question. Rule No. 33. "When a motion is made to commit to a committee of the whole convention or to a standing committee it shall not be in order to amend such motion by substituting any other committee, but if any committee shall be suggested the motion shall be put upon the committee first named and afterwards upon the committee or committees in the order in which they are named; but a motion to refer to a committee of the whole convention, to a standing committee or to a select committee, shall have precedence in the order named.

The suggestion of the chair does not count, so the first question is, shall the matter be referred to Committee No. 12, and should that motion not prevail then the motion will be upon referring it to No. 6, and in that order. The chair will now put the motion. The question is as to the reference of this matter to Committee No. 12. Are you ready for the question? All in favor of the motion will say aye. Those opposed no. The ayes seem to have it. A division is called for, so all in favor of the motion will rise to their feet and stand until counted. The chair counts fifteen. Does the secretary find the same number? The gentlemen may be seated. Those opposed will rise. The chair counts sixteen voting in the negative. The motion to refer to No. 12 is lost.

Mr. BURRITT. I desire to inquire if the chair voted.

Mr. PRESIDENT. There were sixteen without the chair voting in the negative. The motion is now on reference to Committee No. 6. All in favor of the motion to refer to No. 6 will say aye; those opposed no.

Mr. RINER. Division.

Mr. PRESIDENT. A division is called for. All in favor of the motion will rise to their feet and stand until counted. The secretary will please count them, for fear I make a mistake. The secretary counts twenty-five. Those opposed will rise and stand until counted. Seven. The motion to refer to Committee No. 6 prevails.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I have a proposition which I would like to present and have read in the proper order.

Mr. PRESIDENT. The gentlman may present it. The secretary will please read the next proposition.

SECRETARY. File No. 15, by Mr. Palmer, concerning school lands.

Mr. PRESIDENT. The secretary will please read at length.

"That there be incorporated in the constitution proposed for the state of Wyoming, a clause reserving school lands in perpetuity for at least twenty years."

Mr. PRESIDENT. This will be referred to Committe No. 16, Federal Relations, Public Lands and Military Affairs. Is there any motion to refer this matter to any other particular committee? If not it will be referred to No. 16. There being no motion it is so referred.

Secretary will please read the next.

SECRETARY. File No. 16, concerning a compulsory secret ballot. "That there be incorporated in the constitution of the proposed state of Wyoming, a clause providing for a compulsory secret ballot."

Mr. PRESIDENT. If there is no motion to specially refer this it will be referred to Committee No. 5, on Elections, Right of Suffrage and Qualifications to Office. There being no motion it is so referred, Mr. Secretary.

SECRETARY. File No. 17, by Mr. Palmer, concerning private detective agencies.

Mr. PRESIDENT. Is there any motion to refer this to any particular committee? I would suggest that if there is no other motion that this be referred to Committee No. 10, Manufactures, Commerce, Live Stock Interests and Labor. The chair was a little in doubt as to what committee it should be referred to, but if there is no objection it will be so referred to Committee No. 10.

SECRETARY. File No. 18, by Mr. Campbell, qualifications of state officers.

Mr. PRESIDENT. If there is no objection this will be referred to Committee No. 5, on Elections, Right of Suffrage and Qualifications to Office. There being no objection it is so referred.

SECRETARY. File No. 19, by Mr. Campbell, creation of new counties and municipal corporations.

"No new county shall be formed unless within the limits thereof it contains property of the valuation of two million dollars and have a population of at least two thousand.

"No law shall be passed permitting the incorporation of any city or town against the wishes and desires of a majority of the tax payers residing within the boundaries of the proposed territory to be incorporated."

Mr. PRESIDENT. If there is no motion to otherwise refer this proposition it will be referred to Committee No. 12, on

County, City and Town Organizations. There being no motion to the contrary it is so referred.

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter.

Mr. POTTER. With reference to the preceding proposition introduced by Mr. Campbell, in regard to the qualifications of the governor, lieutenant governor, and something about the treasurer, I have no desire to criticise the action of the president in referring these matters, and I understand the desire of the president to act in this connection of placing these matters in the hands of the committees, so as to expedite our labors, but I think a moment's reflection will show the president that the final placing of this proposition, if it should be adopted, would be under the head of Executive Department. Its place will be under the head of Executive Department in the constitution, and it seems to me that the Executive Department is the place for it. I don't desire to have the president or convention think I am making any disturbance about these matters, but I only make the suggestion as I think it will expedite matters. In all constitutions under the heading of Executive Department will be found the qualifications of the governor, lieutenant governor and treasurer.

Mr. CAMPBELL. In my opinion such a reference to the executive department would not be a proper one. I think it should be referred to the committee on qualifications to office.

Mr. PRESIDENT. It is the opinion of the chair that as we have a committee on qualifications to office, and as this touched purely the matter of qualification, that it should be especially under the control of this committee, and it was therefore referred in this way because it touched the matter of qualification solely and nothing else.

If the convention desire to refer it otherwise it will be so referred.

Mr. POTTER. I make no motion to refer it otherwise.

SECRETARY. File No. 20, by Mr. Fox, preamble.

We, the people of Wyoming, grateful to Almighty God for the civil, political and religious liberty He hath permitted us to enjoy, and looking to him for a blessing upon our endeavors to secure and transmit to succeeding generations a more independent and perfect form of government, establish justice, insure tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Wyoming.

Mr. PRESIDENT. If not otherwise desired by the convention, this proposition will be referred to committee No. 1, on preamble and declaration of rights.

SECRETARY. File No. 21, by Mr. Chaplin, "Freedom of Conscience."

Absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be disturbed in person or property on account of religion, but the liberty hereby granted shall not be so construed as to excuse licentiousness or justify practices inconsistent with the peace and safety of the state.

No public money or property shall be appropriated or applied to any religious worship, exercise or instruction, or the support of any religious esablishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his belief to affect the weight of his testimony.

Mr. PRESIDENT. It seems to the chair that this should be referred either to the judiciary committee or to the committee on public morals.

Mr. CHAPLIN. I would suggest that it be referred to the committee on bill of rights—preamble and bill of rights.

Mr. CAMPBELL. Does that resolution comply with the rules. I did not hear the name of the person who introduced it. I think the rules provide for that.

Mr. PRESIDENT. Mr. Chaplin introduced it, although I believe his name is not subscribed to it. The proposition will be referred as suggested, if there is no other motion.

Mr. RINER. I move to refer it to the committee on public health and public morals.

Mr. CAMPBELL. I second the motion.

Mr. PRESIDENT. The motion is that it be referred to the committee on public health and public morals, education, etc. Any other committee may be suggested under the rules. The gentleman from Albany suggests that it be referred to committee No. 1. The question will come under the rules first as to referring it to committee No. 7, I believe it is, on public morals. All in favor of the motion to so refer it will say aye; those opposed, no. The noes seem to have it. A division is called for. All in favor of referring it to committee No. 7 will rise to their feet and stand until counted. Five. All opposed will rise. Twenty-two. The noes have it. All in favor of referring this proposition to Committee No. 1 will say aye; those opposed, no. The ayes have it. The matter is referred to committee No. 1.

Mr. PRESIDENT I have upon my table a communication from a gentleman of Tennessee, who seems to be interested in our welfare, and who has sent us a proposition for a constitution. Mr. Joseph Ramsey of Tennessee. The matter is in a peculiar form, and if there is no objection the chair would refer it to the committee on miscellaneous matters to be put in such shape and reported back to the convention in any form they may desire. It would seem to contain matter that is worthy of careful consideration. If there is no objection all these propositions for a constitution, and all these matters of a general nature will be referred to the committee named.

Mr. COFFEEN. I desire to ask here whether it is necessary that these outside matters that come in to this convention should be placed on file? Could they not be referred to only, without encumbering our files with them?

Mr. PRESIDENT. That might be done. The secretary will please read the next.

SECRETARY. File No. 22, by Mr. Baxter, "Creation of New Counties."

"No new county shall be created unless it shall contain at least two millions of property as shown by the last preceding tax returns, and not then unless the remaining portion of the old county or counties shall contain an equal or greater valuation."

Mr. PRESIDENT. This will be referred to committee No. 12, on county, city and town organizations, unless otherwise directed by the convention. There being no motion it is so referred.

Mr. McCANDLISH. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. McCandlish.

Mr. McCANDLISH. I move we adjourn, take a recess I mean, until 2 o'clock.

Mr. PRESIDENT. There is a resolution upon my table which it will not take a moment to dispose of, and unless the motion for a recess be insisted upon, perhaps we can dispose of it now. The clerk will please read.

The clerk here reads resolution of Mr. Baxter to send greeting to the New Mexico convention, already quoted.

Mr. PRESIDENT. I understand Mr. Baxter moves the adoption of that resolution.

Mr. MORGAN. I second the motion.

Mr. PRESIDENT. The question is upon the adoption of the resolution as read. All in favor of the motion on the adoption of the resolution will say aye; those opposed no.

The resolution is adopted by the unanimous vote of the convention. One more matter, Mr. Secretary, and we will be through.

SECRETARY. Resolution offered by Mr. Hoyt.

Resolved, That the number of members of standing committee No. 10, entitled manufactures, commerce, live stock interests and labor, is hereby increased to ten, in order that each county of the territory may be represented thereon.

Mr. PRESIDENT. The question is on this motion to reorganize committee No. 10.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I presume the gentleman from Albany, Mr. Hoyt, offers this resolution as an amendment to rule No. 6. If that is the case, I suppose he simply means to give notice that to-morrow he will move the adoption of the resolution to amend rule six to that effect. An amendment of the rules would be necessary in order to increase the number of the committee.

Mr. PRESIDENT. If there is no objection to action being taken now, the rules might be suspended. Does the gentleman from Johnson raise a question of order?

Mr. BURRITT. I cannot do otherwise since the chair has established so good a precedent to holding us down to our rules. It might be that someone else might want something of more importance changed in the same informal and irregular way, and it will be much better to adhere to our rules.

Mr. PRESIDENT. Does the gentleman insist upon his point of order?

Mr. BURRITT. I do.

Mr. MORGAN. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Morgan.

Mr. MORGAN. I wish to give a notice about committee No. 2. Will they please meet immediately after adjournment, it will take but a moment or two.

Mr. PRESIDENT. The gentleman from Albany, Mr. Hoyt.

Mr. HOYT. If the members who desire to adjourn promptly will delay a moment, I have a motion which I would like to make. I think it is a matter of convenience that we have before us the standing committees, and I move therefore, that the committee on printing, having in charge the printing of the standing rules, order the standing committees printed upon cards, so that they might be placed before us or carried about with us already for use. It would be a great convenience.

Mr. COFFEEN. Before that motion is seconded, I would suggest that the committee who have in charge the printing of these standing rules and committees, be instructed to have them printed, whether on cards or in some other form, as hastily as possible, so that we may have them. I make no motion, but simply make the suggestion.

Mr. HOYT. The point I make is that if we have them printed in pamphlet form it will not be so convenient, they are liable to get lost; whereas if printed on a card it would take up but a small space, and could be tacked upon our tables always before the eye.

Mr. PRESIDENT. The chair hears no second.

Mr. SUTHERLAND. I second the motion.

Mr. HAY. I will explain, as a member of the printing committee, that the committee has ordered the standing committees to be printed in connection with the rules as was suggested the other day. Now this idea of putting them on cards, if carried will be an additional expense, and we shall have to ask Mr. Slack to hold the matter in form so they can be printed on cards if the convention so order, but it seems to me that we might perhaps wait until we see the others.

Mr. PRESIDENT. I was about to make the suggestion that in printing these committees in this way, I suppose the matter is already set up as it will be printed in with the rules, and it could be placed upon a card with little if any expense additional. I think it would be a matter of some convenience.

Mr. MORGAN. I rise to suggest this. The gentleman from Albany has made a motion increasing the number of members on one of the committees. If this action can be postponed we could have the cards printed with the committees as increased, if this motion prevails. It is to be held in type a day or two, and we could then have the cards with the committees as changed, if desired.

Mr. HOYT. It is not a matter which need be pressed. I simply thought it a matter of convenience, and if we had the committees before us any corrections in three or four names could be made in by pen by each member at his convenience.

Mr. POTTER. I just want to bring up the matter of our not having any pages. I am informed by some of the Albany delegation that Corlett Downey will not attend the convention. It was so announced in the convention yesterday. A name has been mentioned to me by a citizen of this town of a young gentleman who will attend the convention just as soon as he is wanted, if he is elected page. I am perfectly willing to let this matter wait until this afternoon, but if we could get him here this forenoon I think he might be of some service. The young gentleman is Fred Hauffschmidt.

Mr. McCANDLISH. I insist upon my motion to take a recess until two o'clock this afternoon.

Mr. CAMPBELL. Second the motion.

CHAIR. The motion is insisted upon. All in favor of taking a recess until 2 o'clock this afternoon will say aye; those opposed, no. The ayes have it. The convention will take a recess.

Friday afternoon, Sept. 6, 1889.

Convention reassembled at 2 o'clock.

President Brown presiding.

PRESIDENT. Come to order.

Gentlemen: At the moment of taking a recess this morning we were working under our rules on the presentation of resolutions, propositions, etc. I have now on my table a letter addressed to the chairman of the convention, by a former resident of this territory, now residing in Missouri. He makes a suggestion as to the name of the new state. If there is no objection I will present the communication to the secretary to be read. There being no objection the secretary will read.

"Lexington, Mo. Sept. 3, 1889.

"B. S. Elliott, President and Members of the Wyoming Constitutional Convention, Cheyenne.

"Dear Sir:—As an old resident of Wyoming and a member of her first legislature, it will not seem out of place for me to express my interest in your proceedings, and my best wishes for the success of the new state.

The name of a state has much to do with its future fortunes, and if the new state is to be named after a county it would seem to me much better to name it after one of your own counties than after a county in an eastern state, as it is now named. Uinta is a much prettier name than Wyoming, and is one that belongs to your locality and was not imported from the east. Wyoming was chosen for you when helpless. When you become full fledged freemen choose your own name. There are many other pretty aboriginal names that belong to the west, but it would be hard to find a more suitable and pleasant sounding name than Uinta, spelled with five letters.

"With many wishes for the prosperity of the new state, I have the honor to be, my dear sir and gentlemen,

(Signed) "GEORGE WILSON,
"Member of the Council, First Legislature.

Mr. PRESIDENT. As the preamble to be adopted for our constitution will necessarily contain a name, if there is no objection, this letter will be referred to that committee, as a suggestion that they may consider.

Mr. REID. I move the communication be laid on the table.

Mr. CAMPBELL. I second the motion, Mr. President.

Mr. PRESIDENT. It is moved and seconded that the communication just read be laid on the table. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it. The communication is laid on the table.

Mr. PALMER. Mr. President.

Mr PRESIDENT. The gentleman from Sweetwater, Mr. Palmer.

Mr. PALMER. Mr. Preston, of Fremont, asked me to state to the chair that he is necessarily absent today, and will also be tomorrow, and asks that the convention excuse him, and I therefore move, Mr. President, that Mr. Preston be excused until Monday on attendance on sessions of this convention.

Mr. McCANDLISH. Second the motion.

Mr. PRESIDENT. Without putting the motion formally Mr. Preston will be excused unless there is objection. There being none the record will so show that Mr. Preston is excused.

Gentlemen of the convention, I have some further communications upon the table. One from His Excellency, Governor F. E. Warren, of the territory, sending to me, as your chairman, certain letters from senators and representatives in congress. I will present them to the clerk to be read if there is no objection, and disposed of as the convention may see fit.

"Executive Department, Cheyenne, Wyo., Sept. 3, 1889.

"Hon. M. C. Brown, President Constitutional Convention,
Cheyenne, Wyo.

"Dear Sir:—I am in receipt of a letter from Henry B. Blackwell, of Boston, regarding woman suffrage in the Wyoming constitution. He encloses letters from U. S. Senator Henry W. Blair, of New Hampshire; Ex-Governor of Massachusetts John D. Long, and Member of Congress T. B. Reed, of Main.

"The three letters I herewith enclose you for any use you may desire to make of them during the convention.

"Very Truly Yours,
"FRANCIS E. WARREN."

"U. S. Senate, Washington, D. C., August 21, 1889.

"Henry B. Blackwell, Cor. Sec'y Am. Woman's Suffrage Asso.

"Dear Sir:—The most common argument urged by the opponents of woman suffrage to a national constitutional amendment, giving suffrage to women, is that the whole subject belongs to the states and to the people of the states. Always in debate they tell us to go to the states and fight out the battle there.

"Hence all must see that you are pursuing the very course they pronounce the proper one, in your efforts to secure the suffrage for women in the formation of the constitutions of the new states. There is not the slightest ground to apprehend their rejection should these states apply with woman suffrage in their constitutions.

"There is a very general willingness that the experiment be tried, even by those who have no faith in the result. Tried it must be and the sooner the better.

"Truly Yours,
"HENRY W. BLAIR."

"Portland, Me., Aug. 21, 1889.

"My Dear Sir:—There is no danger that the admission of Wyoming will be hindered in the least by putting woman suffrage in the constitution.

"Very Truly,
"T. B. REED.

"To Henry Blackwell, Cor. Sec'y Am. W. S. A."

"Law Office of Allen, Hemenway & Long,
Boston, Mass., Aug. 23, 1889.

Dear Sir:—In my judgment, if Wyoming adopts a woman suffrage constitution, congress will recognize and respect the right of the people of the territory to regulate and determine the question of suffrage for themselves, and would not refuse them admission as a state on that account.

"Yours truly,
"JOHN D. LONG.

Henry B. Blackwell, Esq.

Mr. PRESIDENT. Gentlemen, what will you do with the papers?

Mr. HOYT. I move their reference to the committee on suffrage, elections and qualifications to office.

GENTLEMAN FROM SWEETWATER. I move that the matter be laid on the table. I offer this as a substitute to that motion.

Mr. PRESIDENT. My recollection is that the motion of the gentleman from Sweetwater is not in order. The motion is not seconded I believe. The question will be on reference to the committee named. I believe it is No. 5. All in favor of reference to this committee will say aye; those opposed, no. The ayes have it. The communication will be referred to committee No. 5.

Reports of standing committees. Are there any matters to be reported? Are there any reports ready from the standing committees?

Mr. CHAPLIN. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Chaplin.

Mr. CHAPLIN. I have a report from the committee on printing.

Mr. PRESIDENT. The secretary will please read.

(Reading of report. See journal page 30.)

Mr. CHAPLIN. I will state that it is just the original proposition made y Mr. Slack.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. MORGAN. I wish the chairman of the printing committee would state which, all things considered, is the best proposition.

Mr. PRESIDENT. I myself would like to hear the report read again. It is short, and I did not quite understand it. The secretary will please read, and then we will get such instructions as we can.

(The secretary re-read the report of the printing committee.)

Mr. CHAPLIN. The committee did not deem it advisable to make any recommendation; the three bids show for themselves. Mr. Slack's bid is the lowest, and they did not deem it advisable to make any recommendation, but to give the bids to the convention and let them make the bid and take the responsibility.

Mr. HAY. I would say that as we had no rules we did not know what authority we had, or just what our duties were, and for this reason we thought it better to refer it to the convention.

Mr. COFFEEN. I myself yesterday spoke on a motion preventing this matter going into contract until bids should be had, but now that the bills are all before us here, with estimates and explanations, I move the contract be let to the lowest bidder, which I understand to be The Sun office.

Mr. IRVINE. I second the motion.

Mr. CAMPBELL. I would suggest to amend that so as to provide that The Sun furnish us seventy-five copies, the same as Bristol & Knabe. The Sun's bid contains no expression as to the number of copies to be furnished this convention.

Mr. COFFEEN. I accept the amendment.

Mr. JOHNSTON. Would it be policy to confine it to seventy-five copies. In some cases during the sessions of the legislature, copies of certain bills were in demand; copies were required for members to send to their constituents. Would it not be policy to make provision for more than seventy-five copies of bills which are of more than ordinary importance.

Mr. HAY. I would state that the specifications furnished to the committee provide each one for seventy-five copies. I did not notice that The Sun bid did not state the number, but the bid is made with that distinct understanding. Your committee went to each of the printing offices, and each man put it down himself in writing. In regard to increasing the number it seems inadvisable. If we find any special bills or resolutions of which there will be more than seventy-five copies required, it would be better to have a few extra copies printed, rather than print a hundred copies of every one. In every case there will be some twenty or more extra copies, and in my judgment it seems unnecessary to print one hundred copies if seventy-five will answer.

Mr. PRESIDENT. The question is now to decide the motion that the contract of printing be awarded Mr. Slack upon his bid, it being understood that he is to print in all cases seventy-five copies—not less than that. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it. The motion prevails.

The committee, I suppose, are now authorized on this vote of the convention to inform Mr. Slack that his bid is accepted and the contract considered made under the terms indicated by his bid and the communications of the committee.

Are there any further reports from standing committees?

Mr. NICKERSON. The committee on ways and means have a report. It is a special committee.

Mr. PRESIDENT. I suppose this committee on ways and means is practically a special or select committee. Reports from select committees are now in order.

(Reading of report. See journal page 31.)

Mr. CAMPBELL. Mr. President. I move the report be accepted.

Mr. BAXTER. I second the motion.

Mr. PRESIDENT. Gentlemen of the convention, it is moved that the report of your ways and means committee be accepted.

I believe that was the extent of the motion which you are to approve. The question before the convention is as to the employment of a stenographer as recommended by the committee, under her proposition. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it and the motion prevails.

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie.

Mr. POTTER. I have a resolution which the secretary will please read.

(Reading of resolution. See journal page 31.)

Mr. McCANDLISH. I will just ask what number committee that was.

Mr. PRESIDENT. To amend rule No. 6, by substituting an additional committee to be known as the committee on ordinances. I believe that is the language of the document.

Mr. PRESIDENT. Is there any further business to come before the convention this afternoon for its consideration? There is nothing on the table.

Mr. POTTER. Just before recess I mentioned the fact that a young man named Fred Haufsmith would be present and accept the office of page, if he was elected, and I stated that I had inquired of the Albany county delegation and learned that Corlett Downey would not be present. If that is the case we might elect another page if we are in a position to do it, and the appointment is still open.

Mr. PRESIDENT. On the authority of Corlett Downey's father my recollection is that I stated to the convention that he could not serve and wished to be excused from occupying the position. I suppose that the action of the convention accepting his resignation would be in order, and the election of another person to take the position. I understand that the communication from his father was practically a resignation of the office to which he was elected.

Mr. POTTER. I move that his resignation be accepted.

GENTLEMAN FROM SWEETWATER. I second the motion.

Mr. PRESIDENT. It is moved and seconded that the resignation of Corlett Downey as a page of this convention be accepted. All in favor of the motion will say aye; those opposed no. The ayes have it and his resignation is accepted. The position is now open to be filled by the nomination of some other person.

Mr. POTTER. I nominate Mr. Fred Haupsmith of Cheyenne.

Mr. PRESIDENT. Will you please speak the name again.

Mr. POTTER. Fred Haupsmith.

Mr. PRESIDENT. Mr. Fred Haupsmith is named for the position of page. Do you desire to take a ballot upon the nomination or declare his election by acclamation?

Mr. CONAWAY. There seems to be no other nomination, so I move that Mr. Haupsmith be elected page by acclamation.

Mr. REID. Second the motion.

Mr. PRESIDENT. Moved and seconded that Mr. Fred Haupsmith be declared elected page by acclamation. All in favor of the motion will say aye; those opposed no.

Mr. Haupsmith stands elected as page of this convention.

Mr. CONAWAY. Mr. President, as there seems to be nothing before the convention, and I don't wish to make a motion, but ask your indulgence for a moment merely. I wish that the members of the committee on judiciary will please remain in the room a few moments after adjournment in order that we may make some arrangements for meeting and deciding what place to meet in. I don't know where we will meet, but if they will remain here we can make the necessary arrangement.

Mr. JEFFREY. Mr. President, I would make the same request of the gentlemen on committee No. 5.

Mr. MORGAN. Committee No. 2, I notified most of them this morning, and they will please meet after adjournment in this room for a moment.

Mr. JOHNSTON. Committee No. 8 are requested to meet after adjournment in the room to the right.

GENTLEMAN FROM SWEETWATER. I wish to ask what was done with the resolution offered by Mr. Jeffrey this morning.

Mr. PRESIDENT. It was referred to committee No. 1, and I presume the committee will be ready to report on that resolution at a very early date.

Mr. CONAWAY. I move we adjourn until ten o'clock tomorrow morning.

Mr. McCANDLISH. I second the motion.

Mr. PRESIDENT. It is moved and seconded that we adjourn until ten o'clock to-morrow morning. All in favor of the motion will say aye; those opposed, no. The ayes have it. The convention will adjourn.

SIXTH DAY.

MORNING SESSION.

Saturday, Sept. 7th, 1889.

Convention assembled at ten o'clock, President Brown presiding.

Mr. PRESIDENT. Convention will come to order.

The messenger will please notify the committees that may be in session in the committee rooms that the convention is called to order.

Prayer.

Mr. PRESIDENT. The assistant secretary will please call the roll.

Roll call.

Mr. FOX. Mr. President, I have here the report on the credentials of Mr. Hopkins of Sweetwater county. The committee presents it.

Mr. PRESIDENT. I believe it is already reported that Mr. Hopkins is entitled to a seat on the floor, the only question now is to his being sworn in. Is Justice Carroll present, or has he been notified to appear?

Mr. MORGAN. I believe he has been telephoned for.

Mr. PRESIDENT. There are several gentleman absent, and under our rules they should be excused. Are there any absentees who have not been excused?

Mr. HOLDEN. Mr. President.

Mr. PRESIDENT. The gentleman from Uinta, Mr. Holden.

Mr. HOLDEN. I wish to say that my colleague, Mr. Foote, was called away yesterday very unexpectedly.

Mr. PRESIDENT. Mr. Foote of Uinta, Mr. Clark of Albany and Mr. Vagner, already stand excused. Are there any other absentees?

Mr. SMITH. Mr. Ferris is compelled to be absent.

Mr. PRESIDENT. Are there any others?

Mr. HOLDEN. I move that Mr. Foote be excused until such time as he returns.

Mr. PRESIDENT. Are there any others absent who have not been excused?

SECRETARY. None, Mr. President.

Mr. PRESIDENT. Is there any objection that these gentlemen named should be excused until they shall appear next week? There seems to be no objection, and the record will show that they are excused.

As soon as Justice Carroll appears, if one of the members of the convention will call my attention to his presence if I should happen to overlook him, Mr. Hopkins can be sworn in.

The assistant secretary will proceed to read the journal of yesterday.

(Reading of the journal of the fifth day.)

Mr. PRESIDENT. Are there any corrections to be made in the journal of yesterday? The chair noticed no errors. The record will stand approved as read, if there be no objection.

Mr. CHAPLIN. I wish to notify the chair of the presence of Justice Carroll.

Mr. COFFEEN. Mr. President.

Mr. PRESIDENT. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. I was going to raise the question concerning whether these outside matters need be put bodily into our records. It seems to me that mention might be made of them, but it does not seem to me that they need be put bodily into the records.

Mr. PRESIDENT. It was the opinion of the chair that these matters should not perhaps be read from the journal; even if they are in it. It is hardly necessary to trouble the convention to listen to these communications from time to time, when they have been once read and disposed of in the convention. There are some communications, perhaps, which the convention might order spread at length upon the record, and they would then become a part of it, but reference in the record of the presentation of certain letters it seems to me would be sufficient, and particularly it seems to me where the convention lays such communications on the table in a rather summary manner. However, these communications have been incorporated in the records, they have been read to the convention, and there was no other disposition to be made of them without some motion by the convention, I take it. The secretary has placed them on the record, as it is entirely his duty to do, having no instructions to do otherwise.

Mr. SMITH. The communication referred to in regard to changing the name of Wyoming, I think should be left out. I think if that man was to come out here we would take him out on the Sweetwater. I therefore move that that part be expunged from the minutes.

Mr. RUSSELL. I ask that the gentleman speak out so we can hear. We can not hear what he says.

Mr. HOYT. If I am not out of order, I desire to suggest just here whether it would not be well in cases where communications which are quite lengthy have been once read in the hearing of the convention, would it not be sufficient hereafter in reading the proceedings of the day previous, to simply refer to them under some heading or title. It strikes me time is too valuable to be spent in reading communications which were laid on the table, or disposed of in some like manner; it seems to me a mere reference to the subject, that it has been laid before the convention would be sufficient.

Mr. JEFFREY. While we are on this subject I may as well direct attention to the fact already referred to by the chair It must be apparent to the convention that the secretary labors under considerable difficulty. He cannot decide as to what documents shall be spread upon the journal and what shall not. I think that should all be covered by motion or resolution of the convention itself, to the effect that all communications from the outside shall be referred to merely in the journal, unless ordered spread at length on the journal by the convention itself. It would relieve the secretary of a great deal of trouble, and I believe would be perfectly satisfactory to all. At the proper time I suppose a resolution will be passed to that effect. As to the other question of reading these documents, hereafter the secretary unless otherwise instructed by the convention will merely refer to them unless the reading is called for.

Mr. PRESIDENT. This was not intended to be any reflection upon the secretary, but merely an inquiry of the chair, and a suggestion to the convention, as to whether we could not proceed in just such a way as the secretary. I do not suppose it will be necessary to offer a resolution to that effect. I belive it is the desire of the convention that such communications shall not be spread upon the journal at length unless so ordered by the convention. The chair will so hold in future, and unless the convention direct otherwise no communication shall be spread upon the journal of the convention.

Mr. COFFEEN. I wish to ask for information. That will merely refer to communications received from the outside?

Mr. PRESIDENT. Yes. Whenever any communication is received which some member of the convention desires to appear at length upon the records, he will only have to say so.

Mr. COFFEEN. Mr. President. I presume that matter is now well understood and disposed of. I would call the attention of the chair to the fact that Justice Carroll is now in the room and ready to swear in Mr. Hopkins, and ask the unanimous consent that he be at once sworn in.

Mr. PRESIDENT. Is there any objection or changes to be made in the record as it now stands? If not it will stand approved. The chair hears no objection and the record will stand approved.

Mr. Justice Carroll if present will please come forward and administer the oath to Mr. Hopkins, of Sweetwater.

(Swearing in of Mr. Hopkins.)

Mr. PRESIDENT. Mr. Hopkins, we are very glad to have you among us as a member of this convention, will you please take your seat.

SECRETARY. I would like to hear the order of the convention in regard to these letters, Mr. President.

Mr. PRESIDENT. The records stand approved; no order was made.

Gentlemen of the convention, the sergeant-at-arms informs me that he has received from the librarian a sufficient number of copies of the Revised Statutes to supply each and every member. If there is anyone who has not received a copy of the Revised Statutes they can get it at any time by calling on the sargeant-at-arms, who will be glad to deliver them.

I have a communication from Ex-Secretary Shannon, offering thanks to the convention for their kindness in offering him a seat upon the floor. The secretary may read.

Cheyenne, Wyo., Sept. 6, 1889.

My Dear Sir:

I have the pleasure of acknowledging the receipt of a notification that the honorable body over which you preside extends to me the "privileges of the floor."

I cordially appreciate the courtesy, feelin an earnest interest in the work before it.

God guide, speed and crown with happy fruition the labors of Wyoming's constitutional convention.

Very respectfully,
S. D. SHANNON.

To HON. M. C. BROWN.

Mr. PRESIDENT. I have also received from Mr. John T. Titcomb, deputy state engineer of Colorado, copies of his fourth biennial report. He sends them to the convention with his compliments, for the use of the convention. It is a report upon irrigation; there are extensive maps and they may be of great use to the committee on irrigation. I have them upon my desk and the convention can make such disposition of them as they choose.

Mr. REID. I move that we receive them and that the thanks of this convention be sent to Mr. Titcomb.

Mr. COFFEEN. I would second the motion, with this amendment, "and referred to the committee on irrigation, where they properly belong."

Mr. PRESIDENT. Gentlemen, the motion is that they be received, referred to the committee on irrigation, and that the thanks of this convention be tendered Mr. Titcomb for his kindness in sending these records to us. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it, the motion is carried.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I find upon my desk a copy of this morning's Leader, and I also see the other members of the convention are supplied. I am informed that it is the intention of Mr. John F. Carroll to compliment the convention during its sittings by supplying each member daily with a copy of the Leader. I move that the thanks of this convention be extended to Mr. Carroll for the courtesy extended.

Mr. HOYT. I second the motion.

Mr. PRESIDENT. The gentleman from Johnson.

Mr. BURRITT. I simply rose to second the motion, Mr. President.

Mr. PRESIDENT. It is moved and seconded that the thanks of this convention be tendered to Mr. Carroll, of the Leader, for his kindness in supplying each and every member of the convention with a copy of the Leader. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it and the motion prevails that the thanks of this convention be tendered Mr. Carroll for his kindness and courtesy.

By vote of the convention yesterday the special order of today was the presentation of resolutions, propositions, etc. The only order named in our rules in the regular order of business for the day is the presentation of petitions and memorials. Under that head the chair takes it propositions and resolutions may also be presented. Under this general head perhaps we may proceed with the special order at this time, and receive propositions.

Mr. BAXTER. I have several propositions which I wish the clerk to read.

Mr. POTTER. I have some propositions to submit.

Mr. GRANT. I have some propositions.

Mr. TESCHEMACHER. I have a proposition to submit.

Mr. PALMER. I have some propositions to submit.

Mr. BURDICK. I have two propositions to submit.

Mr. FOX. I have a couple of propositions to submit.

Mr. PRESIDENT. Are there any further propositions or resolutions; any memorials or petitions to be offered?

Mr. MORGAN. If there is no other business under the head of resolutions, memorials, etc., to be attended to, I presume any unfinished business or resolutions offered would properly come up. The gentleman from Albany, Mr. Hoyt, offered a resolution yesterday.

Mr. HOYT. Yes, a resolution for the increasing of Committee No. 10.

Mr. PRESIDENT. I have the resolution before me and it will be taken up for action. Perhaps we may proceed with it now.

Mr. TESCHEMACHER. Are we working under the special order?

Mr. PRESIDENT. We are.

Mr. TESCHEMACHER. I judge then that my colleague's motion is out of order.

Mr. MORGAN. Is it not a resolution?

Mr. TESCHEMACHER. I would like to state my point. This is an amendment to the rules. It might cause a great deal of discussion, and take up our entire morning here. We have made the special order of the day the receiving of propositions and resolutions, and I think we ought to follow it up.

Mr. PRESIDENT. That is the understanding of the chair, and the point is well taken. I simply intended to announce to the convention that this resolution would come up in its regular order, when the proper time arrived, inasmuch as we have made the receiving of propositions the special order of the day, I think we had better adhere to that. As there seems to be no further propositions to be sent up at this time, the clerk will begin to read in the order they were presented.

Mr. HOYT. I understood resolutions might be presented as well as propositions, in regard to the constitution.

Mr. PRESIDENT. The special order was for the presentation of resolutions and propositions for the constitution. The clerk will read.

SECRETARY. By Mr. Baxter:

Concerning the oath to be required of all civil officers.

Every civil officer, except members of the general assembly, shall, before he enters upon the duties of his office, and at the time of qualifying for the same, take and subscribe an oath or affimation, to support the constitution of the United States and of the state of Wyoming, and to faithfully discharge the duties of the office upon which he is about to enter, to the best of his skill and ability, and that he has not directly or indirectly, by bribery, the corrupt use of money, menace, promise of reward, or other corrupt means or devices whatsoever, sought or secured his election or appointment to said office.

Every member of the general assembly shall before he enters upon the duties of his office take a like oath or affimation, the same to be administered to him in the hall of the house to which he shall have been elected.

Any civil officer or member of the general assembly having taken the oath or affimation herein required of him who shall be found guilty of having sworn or affimed falsely in that respect and convicted thereof shall be deemed guilty of perjury and punished by imprisonment at hard labor in the state penitentiary for a period of not less than one year nor more than ten years and by a fine of not less than one thousand dollars nor more than ten thousand dollars, and forever thereafter shall be disqualified from holding any office of trust or profit in this state.

Mr. PRESIDENT. Is there any motion?

Mr. POTTER. I move that it be referred to the printing committee and ordered printed.

Mr. BAXTER. I do not rise to second the motion. I simply want to ask what the printing committee propose to do with it. I want to see that it gets into the hands of the proper committee. I think it is a matter of great importance.

Mr. PRESIDENT. Rule 25 reads as follows: "Every petition and memorial shall be referred on motion without putting the question for that purpose unless the reference be objected to by a member at the time of its presentation. No petition or memorial or other matter shall be printed without the special order of the convention."

Now I suppose this proposition might be referred to its proper committee, and at the same time, by motion, ordered printed. It would then go into the hands of the printing committee for printing, and at the same time would be returned by them to the proper committee to which it was referred by the convention.

Mr. POTTER. That is satisfactory to me. I had no wish of delaying action. My idea was simply this. There are a great many of these propositions, some of which perhaps are quite important, and we cannot keep track of them. There may be several propositions bearing upon the same question, and unless printed we cannot remember them. That is my idea.

Mr. FOX. I think the proper way to handle these propositions is to have them all printed. There is no gentleman here who presents a resolution for adoption into this constitution but wants to see it again, and unless they are printed I don't see how we can keep track of them. I think under the rules they will have to be printed.

Mr. PRESIDENT. I would remind the gentleman of our rules as to the reference of propositions. The rule is this. (Rule 25.) That is the rule and under that rule we must work unless we amend it. The question is now on the motion to print. Has any other committee been named to which it should be referred? The chair is in doubt as to the appropriate committee. This does not refer to the qualifications of officers, I take it, at all, and it is not specially a matter to go to the committee on elections. It might perhaps go to the committee on public morals. Are there any suggestions as to its reference?

Mr. PALMER. I would suggest, on looking over the Montana constitution, that it figures there under the head of miscellaneous subjects.

Mr. POTTER. I was about to suggest miscellaneous subjects.

Mr. PRESIDENT. I do not remember the number of the committee on miscellaneous subjects, but believe it is No. 18. Is there any objection to its being referred to No. 18?

Mr. SMITH. It occurs to me that it should be referred to the committee on qualifications to office, for this reason, that that committee in making what provisions they shall as to qualifications for office will naturally provide for these things, and it seems to me proper that it should go into the hands of that committee.

Mr. PRESIDENT. Is there a second to the motion to refer to the committee on elections and qualifications to office, No. 5?

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. It will be so referred without putting the motion, if there is no objection. The chair hears none, and it is so referred. Referred to Committee No. 5. The assistant secretary will please read.

SECRETARY. By Mr. Baxter. File No. 24, concerning the attorney general.

The attorney general of Wyoming shall be the reporter of the decisions of the supreme court of the state.

Mr. PRESIDENT. The chair is in doubt as to whether an attorney general will be provided for by the constitution. However, if there is, I suppose he will come under the head of one of the executive officers in the exercise of his duty. It would seem to the chair this would properly belong to the committee on executive department. Is there a desire to refer it to any other committee?

Mr. BAXTER. I would suggest that it be referred to the judiciary committee, as it pertains to the supreme court. This may not ordinarily be a part of the duties of the attorney general, but the duties which I propose to impose upon him are in connection with the supreme court, and I therefore think it should be referred to the judiciary committee.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. The motion is to refer to Committee No. 4, judiciary. The chair hears no objection, and it is so referred.

SECRETARY. No. 25, by Mr. Baxter.

Concerning female suffrage.

The right of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

Mr. PRESIDENT. The proposition will be referred to Committee No. 5, on elections, right of suffrage, etc., unless it is otherwise ordered by the convention. Is there any suggestion as to the reference of this matter? The chair hears none, and it is referred to No. 5.

The secretary will read:

SECRETARY. No. 26, by Mr. Baxter, forbidding the improper use of public funds.

The making of profit, directly or indirectly, out of state, county, city, town, school district or other public moneys, or using the same for any purpose not expressly authorized by law, by any public officer, shall be deemed a felony, and any public officer who shall be convicted of such felony shall be punished by imprisonment in the state penitentiary for a term of not less than one year nor more than ten years at hard labor, and by a fine of not less than one thousand dollars nor more than ten thousand dollars. Such fine may be enforced by suit at law against the bondsmen of such public officer so found guilty.

Mr. PRESIDENT. To what committee will you have this matter referred, gentlemen of the convention? There are several that it might go to.

Mr. SMITH. I move, Mr. President, it be referred to No. 7, committee on public morals.

Mr. PRESIDENT. Is there a second?

Mr. POTTER. I move it be referred to committee No. 11, taxes, revenue and public debt.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. It is moved that this matter be referred to committee No. 11. Our rules provide that where a motion or suggestion is made as to the reference of a proposition, it may be so referred by the chair, if there is no objection made. Is there any objection to referring this matter to No. 11? The chair hears none, and it is so referred. The clerk will read.

SECRETARY. No. 27, by Mr. Potter, concerning taxation.

Paragraph 1. The property, real and personal, of the state, counties, cities, towns and other municipal corporations and public libraries shall be exempt from taxation.

Par. 2. Ditches, canals and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations or the individual members thereof, shall not be separately taxed so long as they shall be owned and used by such owners exclusively for such purposes.

Mr. PRESIDENT. The last proposition will be referred to committee No. 11, on taxation, revenue and public debt, unless the convention otherwise order. Is there objection to its being so referred? The chair hears none, and it is so referred to No. 11.

SECRETARY. No. 28, by Mr. Potter, concerning public schools.

Par. 1. The legislature may require, by law, that every child of sufficient mental and physical ability shall attend public schools during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

Par. 2. Neither the legislative assembly nor the state board of education nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools, and make the use of such text books exclusive or obligatory.

Mr. PRESIDENT. This proposition will be referred to committee No. 7, on education, unless otherwise ordered. Is there objection to this being so referred? There being none it is so ordered, Mr. Secretary. The secretary will read.

SECRETARY. No. 29, by Mr. Potter.

Par. 1. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state, or in the military or naval service of the United States.

Par. 2. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

Mr. PRESIDENT. To what committee will you have this last referred, gentlemen? It might go to the judiciary committee.

Mr. POTTER. I would suggest that it should go to the committee on elections, rights of suffrage, etc. It bears upon that question it seems to me. I had in view the right of voting at the time I introduced the proposition.

Mr. PRESIDENT. Is there objection to this proposition being referred to committee No. 5 on elections and right of suffrage? The chair hears none and it so ordered.

SECRETARY. No. 30, by Mr. Potter, concerning the power of the legislative assembly to pass local or special laws.

Par. 1. The legislative assembly shall not pass local or special laws in any of the following enumerated cases:

1. Granting a divorce or divorces.

2. Locating or changing county seats.

3. Declaring any person of age.

4. Incorporation of cities, towns or villages, or changing or amending the charter of any town, city or village.

5. Restoring to citizenship persons convicted of infamous crimes or felonies.

6. Changing the names of persons or places.

7. Providing for changes of venue in civil or criminal cases.

8. For punishment of crimes or misdemeanors.

9. Changing the law of descent.

10. Providing for the management of public schools.

11. Providing for the management of public schools.

12. The opening and conducting of any election or designating the place of voting.

13. Summoning and impanneling grand or petit juries.

14. Laying out, opening, altering or working roads or highways.

15. Vacating roads, town plats, streets, alleys and public grounds.

16. Regulating the practice in courts of justice.

17. Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables.

18. Regulating county and township affairs.

19. For the assessment and collection of taxes for territorial, county or other purposes.

20. Creating, increasing, or decreasing fees, percentage or allowances of public officers during the term for which said officers are elected or appointed.

21. Granting to any corporation, association or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

22. Granting to any corporation, association or individual, any special or exclusive privilege, immunity of franchise whatever.

23. Legalizing, except as against the state, the unauthorized or invalid act of any public officer.

Par. 2. In all other cases where a general law can be made applicable, no special law shall be enacted; nor shall the legislative assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Mr. PRESIDENT: Is there any motion or suggestion as to the reference of this proposition? There is a good deal in it that might properly go to the judiciary committee, but I think it more properly belongs to the committee on legislative department. Is there objection to such reference? The chair hears none, and it is so referred to committee No. 2.

SECRETARY. No. 31, by Mr. Grant, proposition in relation to railroads and telegraphs.

Section 1. Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this state and to connect at the state line with railroads of other states. Every railroad shall have the right with its road to intersect, connect with or cross any other railroad and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 2. Railroads heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways and railroad companies common carriers.

Sec. 3. Every railroad corporation or association operaing a line of railroad within this state shall annually make a report to the auditor of the state of the amount of its business within this state.

Sec. 4. Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Sec. 5. Neither the state nor any county, township, school district or municipality shall loan or give its credit or make donations to or in aid of any railroad or telegraph line; provided, that this section shall not apply to obligations of any county, city, township, school district, contracted prior to the adoption of this constitution.

Sec. 6. No railroad or other transportation company in existence upon the adoption of this constitution shall derive the benefit of any future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this constitution.

Sec. 7. No street railroad shall be constructed within any city, town or incorporated village without the consent of the local authorities having control of the streets and highways proposed to be occupied by such street railroad.

Sec. 8. Any association, corporation or lessee of the franchises thereof organized for the purpose shall have the right to construct and maintain lines of telegraph within this state and to connect the same with other lines.

Sec. 9. No foreign railroad or telegraph line shall do any business within the state without having an agent or agents within each county through which such railroad or telegraph line shall be constructed upon whom process may be served.

Mr. PRESIDENT. If there is no objection, gentlemen of the convention, this will be referred to committee No. 14, railroads and telegraph lines. The chair hears no objection, and it is so referred.

SECRETARY. No. 32, by Mr. Teschemacher, concerning qualifications of electors.

Par. 1. No person shall be deemed a qualified elector of this state, unless he be a citizen of the United States.

Par. 2. No person who is under guardianship, non compos mentis, or insane shall be qualified to vote at any election, nor shall any person convicted of treason or felony unless restored to civil rights.

Mr. PRESIDENT. This proposition will be referred to committee No. 5, on elections, right of suffrage, and qualifications to office, unless otherwise ordered. Is there any objection that it be so referred? The chair hears none, it is so referred.

SECRETARY. File No. 33, by Mr. Palmer, concerning exemptions.

"That there be a clause inserted in said proposed constitution prohibiting the exemption from taxation of any property save that of the United States of America, the State of Wyoming, and that of corporations in their native municipal."

Mr. PRESIDENT. This will be referred to Committee No. 11, on taxation, revenue, and public debts, unless otherwise ordered. Is there objection to its being so referred? The chair hears none, and it is so referred.

SECRETARY. File No. 34, by Mr. Burdick, the governor shall be commander-in-chief of the militia.

Mr. PRESIDENT. If the convention does not otherwise order, this proposition will be referred to Committee No. 16, federal relations, public lands and military affairs. Is there objection to the matter being so referred? The chair hears none and it is so ordered.

SECRETARY. No. 35, by Mr. Burdick, irrigation commissioners.

Section 1. That a clause be introduced into the proposed constitution providing for the establishment of a state board of irrigation commissioners, composed of four division superintendents and the state engineer.

Sec. 2. That the duties of said board of commissioners shall be a general supervision of the appropriation, distribution and division of the waters of the state.

Sec. 3. That all waters within the boundaries of the state are the property of the state.

Mr. PRESIDENT. If the convention does not otherwise order, this proposition will be referred to Committee No. 8, agriculture, irrigation and water rights. Is there objection to this being so referred? The chair hears none, and it is so ordered.

The clerk will read.

SECRETARY. No. 36, by Mr. Fox, state militia.

Section 1. The militia of the state shall consist of all able bodied male citizens of the state between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of the state. But all such citizens having scruples of conscience averse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

Sec. 2. Volunteer organizations of infantry, cavalry, artillery or other service may be formed in such manner and under such restrictions and with such privileges as may be provided by law, which shall conform as near as practicable to the regulations for the armies of the United States.

Sec. 3. The governor shall be commander-in-chief and shall have power to call out the militia to preserve the public peace to execute the laws of the state, to suppress insurrection or repel invasion.

Mr. PRESIDENT. Unless the convention otherwise order, this proposition will be referred to Committee No. 16, on federal relations and military affairs. Is there objection to its being so referred? The chair hears none and it is so ordered referred to Committee No. 16.

Mr. COFFEEN. Mr. President.

Mr. PRESIDENT. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. While we are on this order of business, I desire to offer a resolution touching railroad corporations, and also one on corporations in general.

Mr. TESCHEMACHER. I have another resolution to offer, also, Mr. President.

Mr. PRESIDENT. The gentleman from Laramie offers a resolution.

The clerk will proceed to read the propositions just offered.

SECRETARY. No. 37, by Mr. Coffeen, on railroad corporations.

That to further protect present cities, towns and interests from improper interference, no railroad corporation doing business in this state shall directly or through its stockholders or agents be interested financially in laying out any town site or any addition to any existing town or city or in the business of selling and disposing of town lots within this state, nor shall any such corporation construct or operate a railroad within four miles of any existing town or city without providing therefor suitable depots or stopping places.

Mr. PRESIDENT. This proposition will be referred to Committee No. 14, railroads and telegraph lines, unless otherwise ordered by the convention. Is there objection to its being so referred? The chair hears none and it is so ordered. The clerk will read.

SECRETARY. No. 38, by Mr. Coffeen, on corporations.

Section 1. That no corporation shall be created by special laws or its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes which are to be and remain under the patronage and control of the state.

Sec. 2. That the legislature shall provide by general laws for the orpanization of all corporations hereafter to be created, and provide that every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected or he may cumulate all votes to which he may be entitled in favor of one candidate or divide them among the candidites as he may deem best for the protection of his interests.

Sec. 3. That no franchise or charter granted to any corporation, doing business in this state shall be construed as a contract between the state and said corporation, but that the legislature of this state shall have power to alter and amend and for violation of law to annul any franchise or charter granted to any corporation whenever in their opinion the rights of the citizens or the public welfare may require it.

Sec. 4. That no corporation shall have power to engage in more than one general line or department of business which single line of business shall be distinctly specified in its charter of incorporation.

Mr. PRESIDENT. Gentlemen of the convention, the last proposition will be referred to Committee No. 13, on corporations, unless otherwise ordered by the convention. Is there objection to its being so referred? The chair hears no objection, and it is so referred to Committee No. 13.

Are there any other propositions, Mr. Secretary?

SECRETARY. No. 39, by Mr. Teschemacher, all elections by the people must be by ballot.

An absolutely secret ballot is hereby guaranteed and it shall be the duty of the legislature to enact such laws as shall carry this section into effect.

Mr. PRESIDENT. This proposition will be referred to Committee No. 5 unless otherwise ordered by the convention. Is there objection to its being so referred? The chair hears none and it is so ordered.

Are there any further propositions?

Let me sugest now to the members of the convention, if they desire these several propositions printed, that a motion be made to that effect.

Mr. POTTER. I desire to move that propositions No. 23, concerning the oath of public officers; 26, improper use of public moneys; 27, concerning taxation; 28, concerning qualifications of electors; 30, relating to railroads and telegraph lines; 31, qualifications of electors; 35, irrigation commissioners; 36, military affairs (Mr. Fox); 37, railroad corporations, and 38, concerning the ballot, be printed.

Mr. REED. I would state before any action is taken on that, there is a communication I have sent to the secretary's desk which I wish read.

Mr. PRESIDENT. One just sent up? The secretary will please read.

SECRETARY. No. 40, by Mr. Reed, prohibiting the importation of foreign police, etc.

No force of men for the purpose of suppressing domestic violence shall ever be brought into this state except upon the demand of the legally constituted authorities of the state and such demands shall not be construed to give any authority to demand any other foreign force of men than the demand upon the president of the United States for the army of the United States.

Mr. PRESIDENT. This proposition will be referred to Committee No. 10, on manufactures, commerce, live stock interests, and labor, unless otherwise ordered by the convention. Is there objection to its being so referred? The chair hears none, and it is so referred.

Are there any further propositions, Mr. Secretary?

SECRETARY. None, Mr. President.

Mr. PRESIDENT. Is there a second to the motion of the gentleman from Laramie, Mr. Potter?

Mr. SMITH. I second the motion.

Mr. HOYT. I move an amendment, by having this bill of Mr. Reed's inserted and ordered printed.

Mr. POTTER. I accept the amendment.

Mr. PRESIDENT. What is the number of that file?

SECRETARY. No. 40.

Mr. PRESIDENT. It will be so amended so as to include No. 40 unless the second objects.

Mr. SMITH. I offer no objection.

Mr. FOX. There was a number of matters filed yesterday, and it seems to me they should be called for, and such as it is deemed necessary to have printed, can be so ordered at the same time.

Mr. POTTER. In that connection, Mr. President, there is one that I think of, I do not know the number, owing to the fact that there were three propositions referring to the organization of new counties; it might be well to have all three printed. I would be willing to accept the amendment if it is not too late, that these propositions be printed. There were several on that subject.

Mr. PRESIDENT. If the convention will permit me, I would suggest this. There are a number of these propositions that none of us understand much about. They were not read at length; they were placed in the hands of the committees, and the committees may refer them back at any time, with the request that they be printed, and when referred back in that way we can order them printed. If it is the desire of the committees to take up any special matters or numbers at this time, they could designate them, and they could be ordered printed at this time. The question will be on the motion of Mr. Potter of Laramie, that the following propositions and resolutions be printed, viz: Nos. 23, 26, 27, 28, 30, 31, 35, 36, 37, 38 and 40.

Mr. POTTER. There is another one that I think of, Mr. Chairman, concerning woman suffrage. Will the assistant secretary give us the number of that?

SECRETARY. No. 25.

Mr. PRESIDENT. I will place it upon the list presented by the gentleman from Laramie, with the permission of his second.

Mr. POTTER. I meant to have added that, with the permission of my second.

Mr. PRESIDENT. File No. 25 has been added to the list, and also No. 40. The motion has been stated. Gentlemen, are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the motion prevails. The bills referred to in the motion are ordered printed.

Is there any further business to be attended to in reference to the special order of the day? There are some other matters before the convention for its action, unless the special order should be continued. What is your pleasure, gentlemen, as to the special order?

Mr. HAY. I think there are one or two gentlemen in the committee rooms struggling with resolutions and propositions. We had better give them notice before this order closes, perhaps.

Mr. PRESIDENT. If it is the wish of the convention, we will not act upon closing the order at this time, but may occupy the time with something else, by general consent.

Mr. COFFEEN. Consent.

Mr. PRESIDENT. The resolution offered yesterday by Mr. Hoyt of Albany, we will take up to-day. The subject of the resolution is to increase the number of Committee No. 10, I believe. The assistant secretary will please read.

(Hoyt's resolution, see other page.)

Mr. PRESIDENT. The motion is for the adoption of this resolution. Is there a second to the motion?

Mr. RINER. Second the motion.

Mr. PRESIDENT. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The motion prevails, the Ayes have it. The committee is ordered increased to ten in number.

Mr. BAXTER. I understood the motion to be introduced in order that the committee might have a representative from each county. Is it intended to entirely reorganize the committee? There are two members from one county on it now.

Mr. PRESIDENT. It was not intended to reorganize the committee, but simply to provide for its increase to ten in number.

Mr. BAXTER. It should be increased to eleven in order to have one member from each county, as there are two members now on from one county.

Mr. PRESIDENT. The resolution limits the number; it is limited to ten.

Mr. HOYT. It was an oversight on my part. I did not notice that there were two members from one county. My desire was, that as this was rather an important committee, to have an equal distribution over the whole territory. At the same time I had another object in view, to carry out the wishes of members who had lately come in, and who had expressed a preference for that committee.

Mr. PRESIDENT. The chair would state to the convention that there is no rule requiring the chair to appoint one member from each county on committees of ten, but so far as has been possible the committee on rules have endeavored to follow this course so far as possible, and appoint one member from each county. In some cases gentlemen from different counties have relinquished their right by stating to the chair that they do not care to have a representative upon that committee. Under these circumstances the chair has appointed more than one from some counties, and unless there is objection in the future, when gentlemen from certain counties decline such positions, the chair will offer the positions to some other counties and fill it as best it may.

Mr. COFFEEN. Do I understand that we cannot retrace our steps and amend from ten to eleven?

Mr. PRESIDENT. The motion is passed for ten. Any desire to further amend the rule would come under the rule requiring one day's notice.

Mr. COFFEEN. I think I can make a motion to reconsider, having voted in the affimative. Therefore, if I can obtain a second.

Mr. REID. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the motion just passed be reconsidered.

Mr. SMITH. I simply want to raise this question now. Even if this motion is carried, is it not required that a day shall pass? You are amending the rules and you must confine yourself now to the notice, as this is not the proposition of which notice was given yesterday.

Mr. PRESIDENT. Does the gentleman who raises the point of order think the motion to reconsider being put at this time not in order.

Mr. SMITH. No, not that. The motion to reconsider is in itself all right. The point I make is simply this—that if we pass the motion to reconsider a day will have to pass before we can take final action.

Mr. COFFEEN. May I speak to a point of order for a moment?

Mr. POTTER. I object to the point of order raised.

Mr. SMITH. I just wished to call attention to what the situation would be then.

Mr. PRESIDENT. The motion now before the house is to reconsider the motion passed a few moments ago. All in favor of the motion will say aye; those opposed no. The ayes have it. The motion to reconsider prevails.

Mr. COFFEEN. Now, as I understand it, the main question is before us again.

Mr. PRESIDENT. The question now before us is on the motion to amend the rules by increasing the committee to ten.

Mr. COFFEEN. I move to amend that motion by striking out the word "ten" and inserting in lieu thereof the word "eleven."

Mr. POTTER. Second the motion.

Mr. PRESIDENT. Does the gentleman insist upon his point of order?

Mr. SMITH. They have a right to amend as much as they please, but final action cannot be taken without a day's notice.

Mr. PRESIDENT. It is moved that the resolution be amended so as to increase the number of this committee to eleven—Committee No. 10. Are you ready for the question?

Mr. SMITH. I rise to a point of order. You are amending the rules. That is a different proposition from what notice was given yesterday, and necessarily must go over for a day before acted upon.

Mr. PRESIDENT. The chair is of the opinion that the proposition presented yesterday was to amend the rules. It is true that a particular number was specified. The proposition now is to amend that resolution, and it is the opinion of the chair that it may be amended at this time; that the motion to amend the number does not necessarily carry it over for another day. Is there any appeal from the decision of the chair? If there is none the question is now upon the amendment. All in favor of the motion to amend so that it shall read eleven instead of ten say aye. Those opposed no. The ayes have it and the resolution is amended to read eleven instead of ten. What is your further desire?

Mr. COFFEEN. The question is now on the main motion as amended to adopt the resolution as amended.

Mr. PRESIDENT. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it and the motion prevails. The rules are amended and the committee stands increased to eleven.

(Burritt, Burdick and Holden come in from the committee room.)

The matter just disposed of was taken up by consent, gentlemen; we are still working under the general order, the presentation of propositions, resolutions, etc. Are there any further propositions?

Mr. POTTER. If not interfering with the special order, I now move that rule No. 6 be amended by adding a committee to be known as Committee No. 20, on ordinances, composed of seven members.

Mr. GRANT. Second the motion.

Mr. PRESIDENT. The chair will state the question. Notice was given yesterday by Mr. Potter to further amend rule No. 6 by the creation of an additional committee, to be known as Committee No. 20 on ordinances. It is now moved that the committee be so formed, and that it consist of seven members. The question is before you for your consideration.

Mr. CAMPBELL. I would like to inquire what this committee on ordinances means. As I understand that subject, it is covered by schedule. I would like to be enlightened, so I can vote intelligently.

Mr. POTTER. As I understand it everything that goes into the schedule, so called for what reason I don't know, is embodied in the constitution and is a part of the constitution, and is just the same as any other part of it.

The ordinances I refer to contain a great many matters that would not go into the constitution proper. For instance, the declaration that is required in the formation of all these new states by congress as to the ownership of public lands (unappropriated public lands), and the jurisdiction of the United States over Indian reservations; these things which are in the nature of a contract or agreement between the state and the

United States. They are not a part of the constitution, but it is required of us that we look after these things, and it seems to me that it is a very important matter, and we should be very particular as to its language, and it seems to me that we ought to have a committee to have charge of them.

Mr. MORGAN. Mr. Potter is just right. There are certain things that congress requires of us, and they should have much consideration, and I believe if this constitution is adopted and submitted to congress that the only question congress would raise would be in regard to these ordinances. The conditions they make require certain things of us, and we make a similar contract with them. It is just as Mr. Potter stated, this is an important matter, and we should have a committee on this matter of ordinances especially.

Mr. PALMER. I would suggest that there also be included in this committee on ordinances the subject of memorials to congress. We have no committee on this subject and I think it should be included.

Mr. FOX. Mr. Chairman, I don't think that we need such a committee. I think that the subjects that have been mentioned should be embodied in the constitution. The laws of congress especially say that a territory, on framing a constitution, shall disclaim in ordinances any claim to the public lands, which shall forever belong to the United States, except such portions as may be granted to the state, and I notice on looking over the constitution of the different states, especially those that have been lately formed, that there is no such thing as an ordinance attached. The ordinances in some are included in the schedule. I notice in the constitution of Missouri there is an ordinance stating that if this constitution is adopted by the people, certain bonds that were issued for the construction of a railroad shall be considered null and void. This is not a part of the constitution, but it is an ordinance. The other subjects proposed to bring in as ordinances properly go into the schedule. I think we can get along without such a committee. I think we can arrange this matter by adding a word to the name of Committee No. 18, to be known as the committee on schedule, ordinances, future amendments and miscellaneous matters, and we need not be confused by having two committees. My object is to have these ordinance sections come under control of Committee No. 18, so that there may be no confusion.

Mr. POTTER. If I may be permitted, I should like to speak again upon this matter.

Mr. PRESIDENT. You will have to wait until other members have spoken if they so desire. Is there any objection to the gentleman from Laramie speaking again at this time? The chair hears none, the gentleman will proceed.

Mr. POTTER. To explain this matter, as I understand it. Colorado in their compact with the federal government placed it under the head of ordinances, entirely at the end of the constitution. Idaho does the same thing, after the constitution is signed and certified. North Dakota has placed this matter not under the head of schedule, but under the head of compacts with the United States, in its constitution. I believe that is the proper place for it. No doubt either way is perfectly legal, and I am simply speaking of these to show the custom. I only have thes two states in mind, that I know anything of, the recently organized states. One of them has performed it in one way and the other in another.

Mr. SMITH. It seems there should be no controversy over this question. It must be done in one shape or another, and I don't suppose it makes any particular difference which. I have not looked at the constitution of many of the states. I know in Pennsylvania the ordinances were incorporated there separately from the constitution, and Colorado is the same. I think Nebraska had these matters separate and distinct from the constitution. The subject must be attended to in one way or another, and I think it very important that we should have such a committee, and I think one should be appointed and appointed soon.

Mr. TESCHEMACHER. I think that the members of this convention all remember that we are supposed to be working under the senate bill, and if we are working under that senate bill, and if we will look into it, we will see that it provides just what shall be done. Section three of that bill says, after providing for our meeting, that we shall declare on behalf of the people that we adopt the constitution of the United States, and that we shall declare by ordinances certain things. Now, it seems to me under that provision that all these things should be provided for by ordinances, and not incorporated as a part of the constitution. If we are working under that bill, Senate Bill 2445, that is the way to do it.

Mr. CAMPBELL. If nobody else wants to talk on this subject, I should like to have the privilege now.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Campbell.

Mr. CAMPBELL. I am desirous of making a short explanation in regard to this matter on behalf of the committee on rules and committees. As every member of that committee will remember, this subject was discussed in the committee on rules, when the committees were formed. It was discussed there, and we concluded not to make a separate committee, but to follow the example of Montana, and let it go to the committee on schedule, amendments, etc., we just left the word ordinances out, but it was understood that all matters in relation to these ordinances should be referred to the committee on schedule. Of course it doesn't make any difference whether a new committee is created, but in justice to the committee I want it understood that this matter was fully discussed by the committee, and they determined that all such matter should be referred to the committee on schedule.

Mr. PRESIDENT. Any further remarks? The question is upon the creation of a new committee, to consist of seven, to be known as the committee on ordinances.

Mr. CONAWAY. I should like to amend that and recommend that it be referred to the committee on rules.

Mr. JEFFREY. Second the motion.

Mr. COFFEEN. Do I understand this motion is to refer it to the committee on rules?

Mr. PRESIDENT. Yes.

Mr. COFFEEN. As a member of that committee I should prefer to have the matter take its course in this convention, and consider the motion as it was originally stated. Those who have moved this have evidently considered the matter, and have given some pretty good reasons for having a special committee on that business. I approve of the suggestion, and favor the original motion.

Mr. PRESIDENT. The motion is now to refer the former motion (the motion originally made was to amend the rules by the creation of a new committee) to the committee on rules. The chair is in doubt as to whether the committee on rules is now in existence. It seems to me that the committee was discharged, but I am not sure about that.

Mr. RINER. It was discharged.

Mr. CAMPBELL. It was discharged.

Mr. PRESIDENT. As there is no such committee, the motion to refer the matter to them is not in order.

Mr. PRESIDENT. The question will then be on the original motion to create a new committee, No. 20. Are you ready for the question? All in favor of the motion will say aye; those opposed. no. The ayes have it, the motion prevails.

Mr. JOHNSTON. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Johnston.

Mr. JOHNSTON. I would like to have the unanimous consent of the convention to present the report of committee No. 8, with which is connected a couple of resolutions which it may be advisable to act upon before we adjourn.

Mr. PRESIDENT. Are they propositions to go into the constitution?

Mr. JOHNSTON. No, they refer to the governor's communication in regard to the expected visit of the United States senate committee, and the committee recommend some matters which should perhaps be acted upon without delay.

Mr. PRESIDENT. Is there any objection to the report referred to by Mr. Johnston being offered at this time? The chair hears no objection and the committee will read the report from the committee on irrigation.

(Reading of report. See journal page 34.)

Mr. PRESIDENT. Gentlemen, if there is no objection the question will be upon the adoption of the report of your committee. All in favor of the adoption of the report of the committee on irrigation will say aye; those opposed, no. The ayes have it and the report is adopted. This would seem to carry with it the adoption of the resolutions, but that there may be no question upon that matter we will take them up and adopt them in order as presented. The clerk will read the first resolution.

(Reading of first resolution.)

Gentlemen, you have heard the resolution read; the question is upon the adoption of the resolution. All in favor of the resolution being adopted will say aye; those opposed, no. The ayes have it, the resolution prevails. The clerk will read No. 2.

(Reading of resolution No. 2.)

Gentlemen, you have heard the resolution read. The question is upon its adoption. Are you ready for the question. All in favor of the adoption of the resolution will say aye; those opposed, no. The ayes have it. Will the different delegations immediately select a representative for this committee and report it to the chair.

Mr. HAY. I suggest that the roll be called by counties.

Mr. PRESIDENT. Are the different delegations ready to name their representatives?

Mr. REID. Laramie is ready.

Mr. PRESIDENT. The secretary is about to call the roll by counties; the convention will please come to order.

SECRETARY.

Albany county, S. W. Downey,
Carbon county, R. C. Butler,
Crook county,

Mr. COFFEEN. In the absence of any representative from Crook, I mention Mr. Scott.

Mr. PRESIDENT. The resolution is that each delegation shall name their own representative, and there is no power for any one else to do their work for them.

The clerk will proceed with the call by counties.

Converse county, Mr. Barrow,
Fremont county, Major Baldwin,
Johnson county, Chas. H. Burritt,
Sheridan county, H. A. Coffeen,
Laramie county, Mr. Johnston,
Sweetwater county, Mark Hopkins,
Uinta county, C. W. Holden.

Mr. PRESIDENT. This I believe completes the call.

Mr. IRVINE. Do I understand the ruling of the president that Crook county shall at some time have the right to mention a delegate or not the right?

Mr. PRESIDENT. The chair could say that it made no ruling upon that subject, but simply stated that as the resolution provided that the delegation from each county should name their representatives, of course no other delegation than their own would have any right to name a member of the committee. They can be designated hereafter without any trouble. Is there any further business to come before the convention?

Mr. RINER. I move that Crook county at some future time be permitted to name their member of this committee.

Mr. JOHNSON. Second the motion.

Mr. PRESIDENT. Are you ready for the question? It is moved and seconded that Crook county be allowed to name their member of this committee at some future time. All in favor of the motion will say aye; those opposed no. The ayes have it, the motion prevails.

Mr. ORGAN. Mr. President, I move we adjourn until Monday morning at 10 o'clock.

Mr. BAXTER. Second the motion.

Mr. HOYT. If in order, before we adjourn I would like an opportunity to offer a resolution. It will only take a moment or two.

Mr. PRESIDENT. It is now past the noon hour, but if the gentleman from Laramie will withdraw his motion, we can take time for the resolution.

Mr. ORGAN. I withdraw my motion for the present.

Mr. PRESIDENT. The gentleman from Albany can present his resolution.

Mr. HOYT. I would preface the reading of this resolution with a few remarks. In view of the circumstances attending the calling of this convention, it has seemed to me, and perhaps it has occurred to others, that if there has been any omission, it may be proper to supply it at this time. The resolution will explain and I will read it myself, since my writing appears to be a little difficult for others to read.

Mr. ORGAN. I should like to change my motion. I will make it half past ten instead of ten. The train gets in about 10, and there will be a great many of the members coming from the west.

Mr. PRESIDENT. Is it desired that we adjourn until this question is disposed of?

Mr. ORGAN. Oh! no.

Mr. CAMPBELL. Before the motion to adjourn is made I would like to ask that I be excused on Monday, as I have business of importance to attend to in the western part of the territory.

Mr. MORGAN. Second the motion.

Mr PRESIDENT. Is there any objection to the records showing that Mr. Campbell is excused from attending the convention on Monday? There being no objection the records will so show.

Mr. Hoyt's resolution.

Whereas, It has been determined that a full record shall be made of the proceedings of this convention, with a view to its publication:

And Whereas, It is desirable that such record be so perfect as to show the successive official acts in which the convention had origin, in order that such acts may become a permanent part of its history, therefore,

Resolved, That the standing committee on printing and publication is hereby instructed to embrace in the volume of the proceedings to be so published, and as introductory thereto the following official papers, to-wit:

1. The memorial of the tenth legislative assembly requesting of congress such legislation that will enable the people of Wyoming to form a constitution and state government.

2. The certificate of the governor, chief justice and secretary of the territory, setting forth their apportionment of the number of delegates to said convention among the several districts of the territory, dated June 3, 1889, directing an election throughout the territory for the choice of delegates to a constitutional convention to meet at Cheyenne on the first Monday of September, 1889, for the purpose of forming a constitution for the state of Wyoming.

Resolved, That the constitution for Wyoming to be submitted to the people for their adoption or rejection, should be as comprehensive and general in its provisions as shall be consistent with definiteness of purpose, and that in the drafting of the provisions there should be the avoidance of details, which may be safely left to future legislation, to the end that with every necessary safeguard for interests general and vital there may also be the freedom essential to a great and growing people, in a rapidly advancing age.

Mr. PRESIDENT. You have heard the resolution read. This resolution offered by Mr. Hoyt. Are you ready for the question?

Mr. HOYT. It was my intention that this resolution should lie over under the rules.

Mr. PRESIDENT. My understanding of the request was that it should receive immediate attention. The chair has misunderstood the wish of the gentleman offering the resolution.

The resolution will lie over. The gentleman not desiring action taken at this time, the motion to adjourn will be considered by the chair.

Mr. ORGAN. I move we adjourn until half past ten Monday morning.

Mr. BAXTER. Second the motion.

Mr. RINER. I desire to make an amendment to that motion. Monday is a very busy day with me, and I don't doubt it is with some others. I move we adjourn until 2 o'clock Monday afternoon.

Mr. PRESIDENT. The motion is to adjourn until Monday at half past ten. There is also a motion to amend that motion. Is there a second?

Mr. REID. I second the motion.

Mr. PRESIDENT. The question will first be upon the amendment, that we adjourn until 2 o'clock on Monday. Are you ready for the question?

Mr. HOYT. I hope this motion will not prevail, for I know of one member intending to be here for the Monday morning session, but who will be necessarily absent Tuesday, and that would necessitate a two days absence instead of one. That is all.

Mr. PRESIDENT. The question is upon the adjournment of the convention until 2 o'clock Monday. Are you ready for the question? All in favor of the motion will say aye. Those opposed no. The chair is in doubt. All in favor of the motion to adjourn until Monday at 2 o'clock will rise and stand until counted. The chair counts seventeen. Those opposed will rise and stand until counted. The chair counts sixteen voting in the negative. The motion prevails and the convention will adjourn until 2 o'clock Monday.

SEVENTH DAY.

Monday, Sept. 9, 1889.

Convention assembled at 2 p. m.

President Brown in the chair.

Mr. PRESIDENT. The gentlemen of the convention will come to order.

Prayer.

Mr. PRESIDENT. The secretarw will proceed to call the roll.

SECRETARY. Thirty members present, Mr. President.

Mr. PRESIDENT. The secretary will read the journal for the last day's proceedings.

(Reading of the journal of the sixth day.)

Mr. PRESIDENT. Are there any changes or corrections suggested to the journal as read?

Mr. IRVINE. Mr. President.

Mr. IRVINE. With the consent of the convention, I would like to change the representation of Converse county on that last committee; I would like to change the name of Mr. Barrow to Mr. De Forest Richards. I have had some consultation with my colleagues, the only one present that is, and with the consent of the convention I would like to make the change.

Mr. PRESIDENT. Is there any objection to the change? The chair hears none. Are there any further changes or corrections to be made in the journal, as read?

The GENTLEMAN FROM CROOK. I see no appointment has been made from Crook county. I would suggest the name of Mr. R. S. Scott.

Mr. PRESIDENT. The name of Mr. R. S. Scott is suggested from Crook as the member of this committee. The chair would suggest that these do not come under the head of a change in the journal.

Mr. BAXTER. I suppose it is a matter of very small importance one way or the other, but it seems to me that the gentleman from Converse had better defer his action for the present, until Mr. Richards has appeared and qualified as a member of this convention. His credentials, I believe, have been received, but he has never been sworn in as a member of this convention.

Mr. PRESIDENT. That is true.

Mr. IRVINE. The gentleman is right. However, the credentials of Mr. Richards have been presented and passed upon, and reported favorably. He has a right, of course, to a seat in this convention, upon the report of the committee on credentials, whenever he arrives here. I don't know that the question which has been raised makes but little difference.

Mr. HAY. I don't understand that the resolution required that we should designate any one who is a member of this convention. So even if Mr. Richards is not qualified as a member of the convention, he is still eligible for that appointment if the Converse county delegation see fit to appoint him.

Mr. PRESIDENT. That may be true, but it is the impression of the chair that the motion called for the appointment of members of this convention. They might make a selection of others who are not members as suggested. I do not remember the exact wording of the resolution, but the impression is in my mind that it was confined to the appointment of members of the committee from this convention.

Mr. JOHNSTON. I would say that that was the intention of the committee. That this convention was to appoint a member from each county, to act in case the different county commissioners did not respond to the governor's call to appoint a representative for that purpose.

SECRETARY. The wording of the resolution is very clear on that point, Mr. President.

Mr. PRESIDENT. Perhaps it would be better to leave it as it is at present, and if the delegation from Converse county desires to change its representative on the committee it can be done hereafter. It is not necessary to do it now. We are simply proceeding to correct the record, and the record is correct as it stands on that. The gentlemen from Converse county having named their representative on that committee on that day it so appears on the record. If a change is desired hereafter, or if a member is to be added by the delegation from Crook county that can be done hereafter, but not as a change to this record. The record as read I take it is correct. Are there any other changes to be suggested to the record, or corrections to be made? If not, it will stand approved as read. The gentleman from Crook nominates as the member of this committee Wm. Scott, of that county. If there is no other nomination, and that is the choice of the delegation, the appointment is made as requested.

Mr. Irvine, the change as you desire it can no doubt be made at any time when desired, but perhaps it would be better to have the gentleman sworn in before it is done by the convention. I am not sure but what I have made several mistakes in that way myself, in appointing gentlemen on committees who were not present in the convention, and were not members of the convention when appointed. It was supposed at the time that they would be here in a day or two, and in trying to distribute the representatives on the committees as fairly as I could, I have named some gentlemen on committees who were not members of the convention at the time.

Mr. IRVINE. It is really immaterial to me, I simply wanted the matter attended to; of course, we will have the change made at the proper time. However, as I understand the resolution, it does not make any difference whether the party chosen is a member of this convention or not, but simply, according to the wording of the resolution, as I understand it, that each delegation shall choose some one from their own county, as I understand it.

Mr. PRESIDENT. Gentlemen of the convention, the committee on commerce, live stock interests and labor was increased on Saturday, by adding four members to it, leaving the members of the committee thus increased to be appointed by the committee. I have appointed as the representative from Crook county, Mr. Meyer Frank.

Representative from Converse county, Mr. Irvine,—

Representative from Johnson county, Mr. McCandlish.

Representative from Sheridan county, Mr. Coffeen.

Mr. Coffeen of Sheridan, kindly relinquishes any claim on his part as the only representative of that county, and asks that Mr. Sutherland of Albany be appointed in his place, and the chair appoints Mr. A. L. Sutherland of Albany a member of this committee.

A committee on ordinances was added to the list of committees by an amendment adopted on Saturday, and it will be known as committee No. 20. The chair has appointed as that committee Messrs. Downey, Organ, Harvey, Burdick, Potter, Menough and Jones. The committee was to be seven in number.

The presentation of petitions, memorials, etc.

Mr. JEFFREY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Jeffrey, presents a proposition on public indebtedness. Are there any further memorials, petitions or resolutions?

Mr. MORGAN. Is there a page on this side of the house?

Mr. TESCHEMACHER. I just sent him out on an errand.

Mr. FOX. I wish to present a proposition.

Mr. PRESIDENT. Are there any further propositions, memorials, or petitions? The secretary will proceed to read such propositions as have been presented.

SECRETARY. File No. 41, by Mr. Jeffrey, on public indebtedness.

PUBLIC INDEBTEDNESS.

Sec. 1. Neither the state nor any county, city, town, township or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any to or in aid of any manner, person, company or corporation, public or private, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the state.

Sec. 2. Neither the state nor any county, city, town, township or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the state, except as to such ownership as may accrue to the state by escheat, or by forfeiture, by operation or provision of law, and except as to such ownership as may accrue to the state, or to any county, city, town, township or school district, or to either or any of them, jointly with any person, company or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties or forfeiture of reconizance, breach of condition of official bond or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Sec. 3. The state shall not contract any debt by loan in any form except to provide for casual deficiencies of revenue, erect public buildings for use of the state, suppress insurrection, defend the state, or in time of war assist in defending the United States; and the amount of the debt contracted in any one year to provide for deficiencies of revenue shall not exceed one-fourth mill on each dollar of valuation of taxable property within the state, and the aggregate amount of such debt shall not at any time exceed three-fourths of a mill on each dollar of said valuation until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation, and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in section five of this article) and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of debt.

Sec. 4. In no case shall any debts above mentioned in this article be created except by a law which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged, such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on and extinguish the principal of such debt within the time limited by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not be less than ten nor more than twenty years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same, and when the debt thereby created shall be paid or discharged such tax shall cease, and the balance, if any, to the credit of the fund, shall immediately be placed to the credit of the general fund of the state.

Sec. 5. A debt for the purpose of erecting public buildings may be created by law as provided for in Sec. 4 of this article, not exceeding in the aggregate three mills on each dollar of said valuation; Provided, that before going into effect such law shall be ratified by the vote of a majority of such qualified electors of the state as shall vote thereon at a general election made under such regulations as the general assembly may prescribe.

Sec. 6. No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges, and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county, following, to-wit: Counties in which the assessed valuation of taxable property shall erceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof. Counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof. And the aggregate indebtedness of any county for all purposes exclusive of debts contracted before the adoption of this constitution, shall not at any time exceed twice the amount above herein limited, unless when in manner provided by law, the question of incurring such debt shall at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debts so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; Provided, That this section shall not apply to counties having a valuation of less than one million dollars.

Sec. 7. No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings, or purchasing grounds, unless the proposition to create such debt shall first be submitted to such qualified electors of the district as shall have paid a school tax therein in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

Sec. 8. No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town sufficient to pay the annual interest and extinguish the principal of such debt within fifteen, but not less than ten years from the creation thereof, and such tax, when collected shall be applied only to the purposes in such ordinance specified, until the indebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen or officers of such city or town, be submitted to a vote of such qualified electors thereof as shall in the year next preceding, have paid a property tax therein, and a majority of those voting on the question, by ballot deposited in a separate ballot box, shall vote in favor of creating such debt, but the aggregate amount of debts so created, together with the debt existing at the time of such election shall not at any time exceed three per cent of the valuation last aforesaid. Debts contracted for supply water to such city or town are excepted from the operation of this section.

The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. Nothing contained in this article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town or school district, in accordance with the laws of Wyoming territory or prevent the contracting of any debt, or the issuing of bonds therefor, in accordance with said laws, upon any proposition for that purpose which may have been according to said laws, submitted to a vote of the qualified electors of any county, city, town or school district, before the day on which this constitution takes effect.

Mr. PRESIDENT. If the convention does not otherwise order, this proposition will be referred to Committee No.11, on taxation and public debt. There being no objection, it is so ordered. Read the next proposition, Mr. Secretary.

SECRETARY. File No. 42, by Mr. Fox, no title.

Sec. 1. The legislature of the state of Wyoming may enact general laws for encouraging the production of coal or mineral oils, and for refining the same within the boundaries of the state, and to regulate the storage, transportation or waste thereof.

Sec. 2. Pipe lines for the transportation of coal or mineral oils, or natural gas from a point of production within the limits of the state to any other point in the state, or to a point in another or adjoining state, shall be considered as common carriers to the end that all persons, cities, towns, villages, manufactories, furnaces, smelting works, or places within the state may have connection with the main pipe line for the purpose of purchasing the product for fuel or light for domestic or manufacturing purposes.

Sec. 3. The individual, company, or corporation owning or controlling any pipe line within the state shall be allowed just and reasonable compensation for the transportation of their products, but in no event shall a greater or higher price be charged the inhabitants of this state than is charged to the inhabitants of another or adjoining state, nor shall such common carrier discriminate between places, persons, companies, or corporations by charging for such product a higher or greater price at one point than another, nor between such persons, companies or corporations within the State of Wyoming without regard to quantity.

Sec. 4. These provisions shall be enforced by proper legislative enactments.

Mr. PRESIDENT. The matter seems to relate mainly to common carriers. Unless the convention otherwise order this proposition will be referred to Committee No. 13, on corporations. It is so referred, Mr. Secretary.

SECRETARY. File No. 43, by Mr. Nickerson.

Proposition concerning apportionment.

That each organized county shall constitute a senatorial district and shall elect one senator.

Mr. PRESIDENT. Is that all the propositions, Mr. Secretary?

SECRETARY. Yes, Mr. President.

Mr. PRESIDENT. The matter named in this resolution might with propriety be referred to either of the committees, the committee on boundaries an d apportionment, or committee No. 2, on legislative department. My impressoion is that it concerns the formation of the legislature, and it seems to me most proper to send it to that committee, especially as that committee is large and composed of one member from each county. Perhaps the apportionment committee is also the same. Yes, I see, both committees have a member from each county, but unless otherwise ordered it will be referred to the committee on legislative department. Is there any objection to this proposition being so referred? The chair hears none and it is referred to the committee on legislative department.

SECRETARY. File No. 44, preamble, by Mr. Morgan.

Preambe: We, the people of Wyoming, grateful to Almighty God, do ordain and establish this constitution.

Mr. PRESIDENT. Unless otherwise directed by the convention this proposition will be referred to Committee No. 1, on preamble and declaration of rights. It is so referred, Mr. Secretary.

SECRETARY. File No. 45, by Mr. Morgan, declaration of rights.

Mr. PRESIDENT. The proposition submitted in File No. 45 will be referred to Committee No. 1, unless otherwise ordered by the convention. There being no motion to otherwise refer it it is so referred to No. 1. Any other propositions, Mr. Secretary?

SECRETARY. File No. 46, by Mr. Morgan.

Distribution of powers.

Sec. 1. The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

Mr. PRESIDENT. There is no one committee having more rights it would seem to consider this question than another. It relates to the executive committee, the legislative committee or to the judiciary committee. It would go to either one of those committees, or to the committee on miscellaneous matters. Perhaps it had better go there. If the convention does not otherwise order it the chair will refer it to the committee on miscellaneous matters. There being no suggestion it is so ordered, Mr. Secretary.

SECRETARY. File No. 47, by Mr. Grant, on elections.

Sec. 1. There shall be a registration law and no one shall be entitled to vote unless he or she has registered ten days before election.

Sec. 2. The Australian system of elections shall be adopted, and no change or addition to this system shall be made except such as shall further provide against frauds in elections and preserve the secrecy of the ballot.

Mr. PRESIDENT. The last proposition named, File No. 47, unless otherwise ordered will be referred to Committee No. 5, on elections, right of suffrage, etc. There being no objection it is so referred, Mr. Secretary.

Gentlemen of the convention. It is proper that I should announce to the convention at this time that I have performed the duty imposed upon me, in the resolution passed on Friday last, I believe, as to the matter of sending a dispatch to the constitutional convention of New Mexico. The dispatch sent by me was in substance the resolution as it passed.

(See journal page 37.)

Mr. PRESIDENT. Are there any further propositions to be presented?

Mr. MORGAN. I have a resolution, Mr. President, which I would like to offer. I am working on it now and will offer it when I get it done.

Mr. COFFEEN. I would like to occupy this moment, if there is nothing. I wish to announce that Committee No. 13, on corporations, is requested to meet in the room on the east side immediately after adjournment.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Morgan.

Mr. MORGAN. I have a resolution.

Mr. PRESIDENT. The secretary will please read.

SECRETARY. Resolution by Mr. Morgan, offering thanks to the secretary.

Mr. MORGAN. I move the adoption of the resolution, Mr. President.

Mr. PRESIDENT. Rule No. 56 provides that resolutions giving rise to debate shall lie over one day before being acted upon, if upon their introduction any member shall give notice of a desire to discuss the propositions therein contained, but the chair is of the opinion that unless some member notifies it of such a desire, it may be acted upon at present without lying over.

Mr. TESCHEMACHER. I think perhaps the secretary would like an opportunity to discuss the subject of the proposition as the resolution assumes that he has undertaken to pay for all these things.

Mr. MORGAN. He acted on his own responsibility in getting these tables, stationary and things.

Mr. PRESIDENT. As there seems to be a debate, the resolution will go over another day.

Mr. TESCHEMACHER. I withdraw my objection. I have no desire to debate the subject.

Mr. MORGAN. If permitted I would like to withdraw that resolution. It was composed very hastily, and I don't know that it is worded in very fine style or not. I just thought if the secretary got all these things here and no one else pays for them, he will have to. I would like to re-write the resolution, if I am permitted.

Mr. PRESIDENT. I presume we all understand the kindly feeling which prompted the offering of the resolution. The next order of business is the reports of standing committees. Are there any reports from standing committees?

Mr. FOX. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Fox.

Mr. FOX. I was only going to make an inquiry in regard to resolutions that were laid over on Saturday until Monday. When is the proper time that they should be called?

Mr. PRESIDENT. It was the intention of the chair to speak about that matter. The resolutions laid over were offered by Mr. Hoyt of Albany, but he being absent at this time, the chair thought as a matter of courtesy, the chair thought it would not call them up unless required. If any member desires them called up at this time, they can be acted upon.

Mr. FOX. I think that those resolutions presented by Mr. Hoyt should be offered at this time for the reason that the senate bill authorizing the calling of this convention, specifies certain things which shall be done in the calling of the convention, and our proceedings don't show that these things have been done. By incorporating the call of the governor, the apportionment of the territory, etc., it will appear regular, according to the rules of congress, and I think this resolution should be adopted by all means.

Mr. SMITH. I think what has been stated by the gentleman from Albany is true, but in as much as these resolutions were offered by Mr. Hoyt, and my impression is that he has some remarks to make upon them himself, that as a matter of courtesy to him, they be allowed to lay over until he is present. The matter of their laying over a day or two will make no difference in getting them in where they belong.

Mr. PRESIDENT. If there is no objection the matter will lay over. The reports of standing committees are now in order. Are there any reports? Reports from select committees. Are there any reports from select committees? Are there any final readings to be had gentlemen? The resolutions that were offered on Saturday will come in their regular order. Will you present me the resolutions, Mr. Secretary?

Mr. TESCHEMACHER. If it is not too late, now that we have passed that order, I would like to ask a question of one of the standing committees, if there is no objection.

Mr. PRESIDENT. No objection, certainly.

Mr. TESCHEMACHER. I would like to ask the committee on printing how long it takes to print these resolutions that we have asked to have printed. We had some resolutions ordered printed Saturday. I understand there are none of them here; it is very necessary to know how long it takes to print these resolutions, as we shall need them in the committees.

Mr. CHAIRMAN. For the information of the convention, I will state that Mr. Slack informed me on Saturday last that these propositions and resolutions that were ordered printed came to the printing office in the form of copies; that they were copied by the assistant secretary of the convention, that it took considerable time, and that probably most of the matter that had been ordered printed would not be delivered at his office before they were through work for the day, so that would bring them here late on Monday. It seems to me, however, that the printing committee should look after these matters a little. There are a great many resolutions that are very short, and these could be printed first; by doing this, they could be supplied to the members for their convenience within a very short time. The longer matter, which takes more labor and time to set up in type, of course, could be delayed, but I am satisfied we could get our printing here much earlier, if the committee on printing would give the matter a little active attention, and push the printer up a little. I don't know that that is a part of their business, but it would be an accommodation to the convention if the committee would look after it, and look after the printer more particularly.

Mr. POTTER. It seems to me that these original propositions ought to go to the printer; I think that is the customary way. We could get them within a reasonable time. I see no objection to that. I think we could get them back from the printer without being mutilated very much. Nothing can be done with them until they are printed. Although I don't know but by having them referred and ordered printed at the same time, the printing is delayed and also the report of the committee. I think they ought to go to the printing committee first.

Mr. PRESIDENT. It is the opinion of the chair that under the rules, whenever these propositions are read they are to be referred to thrir propr committees; the rules so especially provide, but that would not seem to interfere with the matter of printing. The rules also provide, that, on motion, any of these matters may be ordered printed. It does not follow, it seems to me, that because they are not specially referred to the printing committee that the printing committee is not to look after any matter that is ordered to be printed, and it would seem as if whenever any proposition or resolution is ordered printed, that it is in the hands of the printing committee for that purpose, without any special resolution or order to that effect.

Mr. JEFFREY. It is very necessary that the secretary understand this question thoroughly, and it is my impression at present that no proposition shall be printed, unless ordered by the convention.

Mr. PRESIDENT. That is the rule.

Mr. JEFFREY. The gentlemen can easily see the difficulty under which the secretary labors. It would not be considered wise for the secretary to allow the original records to go out of his hands at least until copied into the journal, and for that reason we have deemed it necessary to make a copy of all papers ordered printed. That may, of course, cause some little delay, but we have deemed it best that that step should be taken as a matter of safety, and for that reason you can readily see that where there are any long papers to be copied there may be some little delays as our clerical force is not very large.

Mr. HAY. I just want to suggest, that if it can be done without changing the rules, it seems to me every document should be referred to the proper committee, and they shall decide whether that document shall be printed or not, and let them make their recommendations to the convention as to whether it shall be printed or not, and then let the convention order it printed if they see fit. I know of several instances where propositions almost exactly similar have been submitted, the only difference being as to the amounts of dollars, percentages, etc., and it is not worth while to print them all, and the committee to whom these are referred can tell which ones are the proper ones to be ordered printed, and which shall not. They can decide much more advisably than the convention itself, and if a motion to that effect be in order I now move that before the convention decides on what papers shall be printed that the question be reported on by the committee to whom it was referred.

Mr. PRESIDENT. I would refer the convention to rule No. 25, and No. 51, one of which refers to the introduction of matter and the other to the reports of committee reporting matter to be incorporated into the constitution, and both provide that there shall be no printing done unless ordered by the convention. All the matter that was introduced this afternoon was referred to the proper committees, but no motion has been made to have any of it printed.

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter.

Mr. POTTER. I rise to a question of privilege. I would like to have the journal show that I am present today. Mr. Riner, I believe, desires the same privilege.

Mr. PRESIDENT. I believe that Mr. Baxter also came in late, after roll call. Are there any others?

Mr. SMITH. Mr. Burdick came in after roll call.

Mr. PRESIDENT. Are there any others? If there is no objection their names will be made to appear on the minutes as present. The chair hears no objection and it is so ordered, Mr. Secretary.

Mr. JEFFREY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Jeffrey.

Mr. JEFFREY. I move that File No. 41 be ordered printed. In relation to the limitation of indebtedness.

Mr. POTTER. Second the motion.

Mr. PRESIDENT. It is moved that File No. 41 be ordered printed. Are you ready for the question?

Mr. REID. Question.

Mr. PRESIDENT. All in favor of printing File No. 41 will say aye. Those opposed no. The ayes have it; No. 41 is ordered printed.

Mr. PRESIDENT. Files No. 42 to 47, is there any motion as to printing these, or any of them? Are there any matters on your desk, Mr. Secretary?

SECRETARY. None, Mr. President.

Mr. PRESIDENT. Gentlemen of the convention. I have the two resolutions that were offered by Mr. Hoyt; no motion has been made that they go over until tomorrow. They come up in the regular order of business now for consideration.

Mr. CHAPLIN. I move that these resolutions be permitted to go over until tomorrow.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the resolutions offered by Mr. Hoyt on September 7th go over until tomorrow. All in favor of the question will say aye. Those opposed no. The ayes have it; the resolutions go over until tomorrow for consideration.

Mr. MORGAN. I ask at this time to withdraw the resolution I offered a moment ago; I have reframed it in part. No vote was taken upon it so I suppose I can do so without formal consent.

Mr. PRESIDENT. Under the rules adopted by this convention a resolution that was once offered and read by the secretary, or stated to the convention by the chair, is in the hands of the convention. It may be withdrawn at any time if there is no objection. Is there objection to the resolution offered by Mr. Morgan being withdrawn? The chair hears none; it may be withdrawn.

Mr. MORGAN. I wish to offer this as a substitute. It need not appear as having been offered before.

Mr. PRESIDENT. It stands as an original of course, the other having been withdrawn. The secretary will read.

SECRETARY. Resolution by Mr. Morgan.

(See journal page 37.)

Mr. PRESIDENT. What will you do with the resolution, gentlemen?

Mr. MORGAN. I move its adoption.

Mr. HAY. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the resolution offered by the gentleman from Laramie, Mr. Morgan, tendering the thanks of the convention to Mr. Meldrum for his efforts in fitting up and preparing the hall for our use, be adopted. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the resolution is adopted.

Mr. PRESIDENT. There is no further business upon the table, gentlemen; what is your pleasure?

Mr. IRVINE. Mr. President.

Mr. PRESIDENT. The gentleman from Converse, Mr. Irvine.

Mr. IRVINE. I would like to move that an order be made that the record of yesterday be so changed that in the committee appointed to meet the senate committee on irrigation that in the selection of the delegate from Converse county, the record read the name of De Forest Richards instead of Mr. M. C. Barrow, if I can get a second.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. The chair would state to the gentlemen from Converse that in the opinion of the chair a change in the record is not in order. If the delegation from Converse county desire to withdraw the name of the person that was before offered, and to substitute another, it would within the opinion of the chair be in their power to do so, if they so desire.

Mr. IRVINE. That is the desire of the delegation. Being the only member present yesterday I named Mr. Barrow. Since then, in consulting with my colleague Mr. Harvey, he expressed the wish that Mr. De Forest Richards' name should be used, and so far as I am concerned I am perfectly willing it should be done. I don't know but what I should have named him at the time if I had thought of it. The delegation would like to withdraw the name of Mr. Barrow from that committee.

Mr. PRESIDENT. Mr. De Forest Richards is not a member of this convention, and the expression of the resolution was, as the chair remembers it, (and the secretary of the convention agrees with me as to what the purport of the resolution was) that none but members of the convention should be appointed. Under the terms of that resolution the gentleman from Converse offers to withdraw the name of Mr. Barrow and present the name of Mr. Richards. I would suggest that the other name be not substituted at this time, but whenever Mr. Richards appears it can be supplied. If there is no objection on the part of the convention the name of Mr. Barrow will be withdrawn. Is there objection? The chair hears none, and the name is withdrawn from the delegation as a member of that committee from Converse county.

Mr. IRVINE. I cannot see the point in the question raised that Mr. De Forest Richards can be placed upon a standing committee and not on this.

Mr. PRESIDENT. The chair is in the same fix.

Mr. IRVINE. I think he has as much right to be placed upon this committee as upon a standing committee; it seems strange to me.

Mr. PRESIDENT. The chair can make no explanation but this, the same explanation that he made before. That in trying to make up the standing committees the names of gentlemen were used in order to distribute the honors as fairly as possible; they were not members of this convention, and their names were improperly used, no doubt. A question has been raised as to the propriety of that action, and inasmuch as it has, the chair does not feel at liberty to hold that any person is, or can be, a member of a committee of this convention that is not a member of this convention, and while the chair has appointed some men who have not qualified, they were improperly appointed, and being improperly appointed, they are not in fact members of any committee.

Mr. IRVINE. Is there a member of this convention who questions the right of Mr. Richards to a seat upon this floor? Have not his credentials been examined by the committee and passed upon favorably? Now I want the convention to say whether Mr. Richards has a right on this committee or whether he has not, and I believe it is in order that I be allowed to make this motion. If the convention vote me down, why of course it is all right, and I will try to come down as gracefully as possible, but I think he has as much right on that committee as any other member of this convention. I therefore move, if I can get a second, that Mr. De Forest Richards be placed upon the journal as a member of this committee.

Mr. FOX. Second the motion.

Mr. CONAWAY. Mr. President.

Mr. PRESIDENT. The gentleman from Sweetwater, Mr. Conaway.

Mr. CONAWAY. I was merely rising to a point of order.

Mr. PRESIDENT. The chair was about to rule that the motion was not in order. Again, in the opinion of the chair no persons are members of this convention and are entitled to be on committees if they have not taken the oath prescribed by the convention itself, and until they do that they are not properly members of the convention. Gentlemen, I say this in the utmost kindness, and not with any desire in the world to prevent Mr. Richards from appearing and assuming his duties, but simply because I am compelled, as at present situated, to so rule. The gentlemen can get the matter before the convention by an appeal from the decision of the chair. If the gentleman desires to offer such a motion the chair will put the question on the appeal.

Mr. IRVINE. I have no desire to appeal.

Mr. FRANK. Mr. President.

Mr. PRESIDENT. The gentleman from Crook, Mr Frank.

Mr. FRANK. I would make a motion that all members who have not appeared be excluded from the committee, and others substituted upon the standing committees upon which they have been appointed. There are two upon the Crook county delegation who have not appeared and who will not appear.

Mr. PRESIDENT. Without any motion to that effect the chair has already ruled that his appointments on standing committees of gentlemen who have not been sworn in were improperly made, and stand as if never made at all. I will fill the different committees from the gentlemen of the different counties who are present. The chair asks the pardon of the convention for having gone astray in this way, but it was supposed at the time the standing committees were made up that these gentlemen would shortly appear, and it would save changes afterward. I will make the changes without any direction from the convention.

Mr. SMITH. I would ask that there be a little delay in this matter of filling these places. Two of our best men are not here, one is sick and will probably not be here at all, but the other, we are looking for every day, and in case he comes I should like to keep a place for him on one of the committees. He is deeply interested in some of these matters and I want to keep a place for him. He is one of the best men from our county.

Mr. MORGAN. I would like to add a word to what Brother Smith has just said. Mr. De Forest Richards, I take it for granted, intends to be here very soon. He is a member of one of my committees and I should not like to see him stricken out, but should like to have him on that committee when he comes, if a place can be retained for him. I suppose every delegation knows whether certain members have determined not to come at all; that is a different matter. Some may be prevented by sickness, and they will probably be here soon, and I think a place should be saved for them.

Mr. PRESIDENT. The gentleman from Converse, Mr. Irvine.

Mr. IRVINE. I only wish to state, as a number seemed to have raised the question, that I am not desirous that Mr. Richards should be appointed on any special committee. I simply raised the question that if they could serve on the committee they could on another.

Mr. RINER. Mr. President, I move we adjourn until 10 o'clock tomorrow.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we adjourn until 10 o'clock tomorrow. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it, the convention adjourns until 10 o'clock tomorrow.

EIGHTH DAY.

MORNING SESSION.

Tuesday, September 10th.

Convention re-assembled at ten o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Mr. PRESIDENT. The clerk will procced to call the roll.

SECRETARY. Thirty-two members present, Mr. President.

Mr. PRESIDENT. The secretary will proceed with the reading of the journal.

(Reading of the journal of the fifth day.)

Mr. PRESIDENT. Are there any corrections to be made in the journal? If none are suggested the journal will stand approved as read. It is so ordered, Mr. Secretary.

Introduction of petitions and memorials.

Mr. CAMPBELL. I have here a proposition in relation to supreme courts which I wish to present.

Mr. JEFFREY. I have a proposition concerning the seal of the state.

Mr. SMITH. I have a proposition.

Mr. PRESIDENT. Are there any further propositions or resolutions this morning?

Mr. CHAPLIN. I have a proposition.

Mr. PRESIDENT. If there are no further propositions the clerk will read those that have been sent up in the order in which they were presented at the clerk's desk.

SECRETARY. File No. 48, by Mr. Frank, organization of counties.

Sec. 1. The several counties of the territory of Wyoming as they now exist are hereby recognized as legal subdivisions of this state.

Sec. 2. No county shall be cut off for the purpose of forming a new county or counties, unless there remain after the cut off or divisionn has been made an assessed valuation of four million dollars or over.

Sec. 3. No new counties to be organized shall have an assessed valuation of two million dollars or over at the time of such organization.

Mr. PRESIDENT. The proposition offered, establishing the counties as they now exist seems to establish the boundaries of the counties. Does the gentleman who proposed this proposition desire it referred to any particular committee? It may go to Committee No. 6, on boundaries and apportionment, or to Committee No. 12, on county, city and town organizations.

Mr. FRANK. I have so marked it, No. 12.

Mr. PRESIDENT. If there is no objection it will be referred to Committee No. 12. There being no objection it is so referred. The secretary will read the next proposition.

SECRETARY. File No. 49, on suffrage and elections, by Mr. Frank.

Sec. 1. Except as in this article otherwise provided every male citizen of the United States, twenty-one years old, who has actually resided in this state for six months and in the county where he offers to vote sixty days next preceding the day of election, is a qualified elector. Women, who have the qualifications prescribed in this article may hold such school offices and vote at such school elections as may be provided by the laws of the state of Wyoming.

Mr. PRESIDENT: Unless otherwise ordered by this convenvention this proposition will be referred to Committee No. 5, on elections, right of suffrage, etc. There being no objection it is so ordered.

SECRETARY. File No. 50, by Mr. Campbell, concerning the creation of a supreme court.

Judicial department.

Sec. 1. The judicial department of the state as to matters of law and equity except in this constitution otherwise provided shall be vested in a supreme court, district courts, justices of the peace, and such other courts as may be created by law for cities and incorporated towns.

Supreme court.

Appellate jurisdiction.

Sec. 2. The supreme court except as otherwise provided in this constitution shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

Power to issue writs, injunction, mandamus, etc.

Sec. 3. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

Two terms annually.

Sec. 4. At least two terms of the supreme court shall be held each year at the seat of government.

Three judges, majority quorum.

Sec. 5. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or pronounce a decision.

Judges shall be elected.

Sec. 6. The judges of the supreme court shall be elected by the electors of the state at large as hereinafter provided.

Term of office nine years.

Sec. 7. The term of office of the judges of the supreme court except as in this article otherwise provided shall be nine years.

Sec. 8. The judges of the supreme court shall immediately after the first election under this constitution be classified by lot so that one shall hold his office for the term of three years, one for the term of six years and one for the term of nine years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the territory, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and in case of his absence, the judge having in like manner the next shortest term to serve shall preside in his stead.

Clerk of supreme court, emoluments.

Sec. 9. There shall be a clerk of the supreme court, who shall be appointed by the judges thereof, and who shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be as prescribed by law, and by the rules of the supreme court.

Qualifications of supreme judges.

Sec. 10. No person shall be eligible to the office of judge of the supreme court, unless he be learned in the law, have been in actual practice at least ten years, at least............ years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least.......... years next preceding his election.

Mr. PRESIDENT. File No. 50, unless otherwise ordered, will be referred to Committee No. 4, on judiciary. The next file, Mr. Secretary.

SECRETARY. File No. 51, by Mr. Jeffrey.

Mr. PRESIDENT. File No. 51, unless otherwise ordered by the convention, will be referred to Committee No. 3, executive department. There being no objection, it is so referred, Mr. Secretary.

Are there any further propositions, Mr. Secretary?

SECRETARY. Yes, Mr. President, File No. 52, by Mr. Smith, concerning railroads.

Mr. PRESIDENT. File No. 52, unless otherwise ordered, will be referred to Committee No. 14, on railroads and telegraphs. It is so ordered, Mr. Secretary.

SECRETARY. File No. 53, by Mr. Chaplin.

Mr. PRESIDENT. Unless otherwise ordered File No. 53 will be referred to Committee No. 1, on preamble and bill of rights.

SECRETARY. File No. 54, by Committee No. 8.

Mr. PRESIDENT. Mr. Secretary, is this reported by the committee as matter for the constitution?

Mr. JOHNSTON. It is simply reported as a proposition.

Mr. PRESIDENT. I think it had better be read under the head of reports of committees, Mr. Secretary. Are there any further propositions, not reports of committees?

SECRETARY. File No. 54, by Mr. Grant, relating to public indebtedness.

Mr. PRESIDENT. File No. 54 unless otherwise ordered by the convention, will be referred to Committee No. 11, taxation and public debt. It is so referred, Mr. Secretary.

SECRETARY. File No. 55, by Mr. Grant, entitled revenue.

Mr. PRESIDENT. File No. 55 will be referred to Committee No. 11 unless otherwise ordered by the convention. It is so ordered, Mr. Secretary.

SECRETARY. File No. 56, by Mr. Riner, proposition in relation to the executive department.

Mr. PRESIDENT. File No. 56 unless otherwise ordered will be referred to Committee No. 3, executive department. Any further propositions, Mr. Secretary?

SECRETARY. None, Mr. President.

Mr. PRESIDENT. The next order of business reports from committees.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. PALMER. Mr. President.

Mr. PRESIDENT. The gentleman from Sweetwater, Mr. Palmer.

Mr. PALMER. I desire to obtain the consent of the convention that Mr. Hopkins be excused until Thursday, he having been called home on business of importance.

Mr. PRESIDENT. Is there objection to Mr. Hopkins being excused until Thursday next? The chair hears no objection, Mr. Hopkins stands excused by unanimous consent.

Mr. McCANDLISH. Mr. President, if in order, I move that File No. 52, Mr. Smith's railroad bill, be printed.

Mr. POTTER. Second the motion.

Mr. PRESIDENT. Gentlemen, it is moved and seconded that File No. 52, on railroads and telegraphs, be printed. Are you ready for the question?

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I would like at this time to bring up this printing matter again. It seems to me a waste of time and money to print any of these propositions which are simply as I understand, passing to the various committees. Let the propositions go as they are to the committees, and then as soon as any committee is ready to report to this body, let this report be printed. We shall have to vote on their proposition and to change and amend their report. If we go on printing all these propositions and resolutions, or any of the various propositions that come in here, we will very soon have a very large printing bill, and a great deal of time will be taken up. I still see that none of these bills that were ordered printed last Saturday, or Friday, have appeared here yet, and it seems to me that it is a great waste of time to proceed in this way. I bring the question up now to have some decision made.

Mr. PRESIDENT. Is there any debate on this question?

Mr. MORGAN. I agree with my colleague for the reasons he has just given about this printing matter. I am satisfied that these committees will take up these various propositions, read them over and consider them advisably. There are many propositions here very similar in character, and if we print any of them we ought to print them all. Let the committee report what shall be printed. Again, when that committee makes up its mind, gets ready to report, it will formulate a recommendation to the convention, the subject matter of which they will submit to the convention. That will come up. If I find that in their report the committee has omitted some proposition that I have made and care for, I will try to have them include that in their report. We are having material handed in here all the time, and we have not laid the foundation of the building. We commence the superstructure, we put in stone after stone in that shape, and if any material is wrong it will be taken out, it will be chiselled and made ready for the building in some way before we go on building the superstructure. Gentlemen, let us not make a mistake in this matter, let us have these matters go to their appropriate committees first.

Mr. PRESIDENT. Gentlemen, the question is on the motion to print File No. 52. Are you ready for the question? All in favor of the motion to print will say aye, those opposed no. The noes seem to have it, the motion to print is lost.

Mr. HAY. Mr. President, I am going to make a motion again that I made yesterday, but to which I could not even get a second, but I think the matter has been considered more fully, and I may get one now. I move that where propositions are referred to standing committees that these committees be requested to make immediate report as to whether they shall be printed or not, and upon such report the convention shall take action.

Mr. JOHNSON. Second the motion.

Mr. PRESIDENT. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. Mr. President, I only rose to second the motion, with the amendment, or suggestion, that we be not pressed to report too soon.

Mr. CAMPBELL. Is that not an amendment to the rules, which requires one day's notice?

Mr. PRESIDENT. I was about to look it up. Gentlemen of the convention, I desire to call your attention to two rules under the head of printing, Rules No. 25 and 51, both of which touch upon this question. It seems to me, I do not feel very confident upon that question, but it seems to me that the motion made by the gentleman from Laramie possibly implies an amendment to the rules. Rule 25 says "every petition and memorial shall be referred on motion without putting the question for that purpose, unless the reference be objected to by a member at the time of its presentation. No petition or memorial or other matter shall be printed without the special order of the convention." That is the rule. All of it that refers to printing is the last part. Rule No. 51 refers to the reports of committees as to printing. "All reports of the committees containing matter to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention such matters to be incorporated shall be laid upon the table and (when so ordered) to be printed, and when printed (if so ordered), shall be placed upon the calender to be considered in the committee of the whole convention, and if not ordered printed they shall be immediately placed upon the calender to be considered by the committee of the whole."

Now the motion, as I understand it, of the gentleman from Laramie, is that when propositions are referred to committees, the committees may report them back for printing, or otherwise, as they please. Of course, that would be an addition to the rules, as they now stand, and to that extent it would seem to be an amendment to these rules. It is not practically changing the rules, as to any proposition that would come up under the rules, because this matter of printing is in the hands of the convention as the rules are now, and as it will be if the motion of the gentleman from Laramie, Mr. Hay, should prevail, to order printed or otherwise such matters as they may see fit when reported back by these various committees. I am under the impression that the motion to amend should lie over under the rules until to-morrow. Of course, if the convention is desirous of an immediate consideration of the motion to amend the rules as it now stands carrying the motion over until to-morrow, the rules may be suspended.

Mr. HAY. The motion I made was not intended to make any change in the rules, but was simply a suggestion as to the method of carrying out the rule, and the motion was not made to get the ordering of the printing out of the hands of the convention at all, but simply to enable the committees to adjust the matter and recommend to the convention whether the printing ought to be done or not, the question of ordering the printing or not, still remaining in the hands of the convention.

Mr. PRESIDENT. It is only a slight alteration to the rules as an addition to the rules, of course. A motion to suspend, and an immediate consideration of the proposition will relieve the convention from any difficulty at all.

Mr. RINER. I think the suggestion as to the printing that it be done only upon the report of the standing committees, a good one, and I therefore suggest that the rules be suspended for the purpose of taking action upon an amendment to our rules. It seems to me that the matter ought to have immediate attention.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. It is moved that the rules be suspended for the purpose of taking a vote upon the proposed amendment to our rules. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes seem to have it; is a division called for?

Mr. SMITH. The rules can only be suspended by a two-thirds vote.

Mr. PRESIDENT. The chair is under the impression that two-thirds so voted. Perhaps the roll had better be called. All in favor of the suspension of the rules will say aye, as their names are called; those opposed will say no.

(Calling of the roll.)

Mr. PRESIDENT. Gentlemen, the vote on the motion to suspend the rules is as follows: Ayes, 35; noes, 5; absent 9. The rules are suspended under our rule by a two-thirds vote of those present. Two-thirds having voted in the affirmative, the motion to suspend prevails. The question now is on the adoption of the motion made by the gentleman from Laramie, Mr. Hay. Will the gentleman put his motion in writing, so we may have it to incorporate properly into the rules.

Mr. TESCHEMACHER. I would like to move an amendment to the motion of the gentleman from Laramie, Mr. Hay.

Mr. HAY. I withdrew that motion that I made; I did not make it with the intention of amending the rules.

Mr. PRESIDENT. The motion to suspend in order that that motion might be passed upon, having once been in the hands of the convention, the gentleman will please formulate his motion so that it may come before the convention.

Mr. IRVINE. I rise to a point of order. I don't think that that was the objection of the motion to suspend. The vote was that we should suspend the rules so as to change our present rules. That is the way I understand it.

CHAIR. The motion of the gentleman from Laramie, Mr. Hay, was in substance, as I remember it, this: That all propositions referred to the committees should be considered by them, and reported back for printing, if they so desire, or something to that effect. I suppose that is an amendment, or an addition to the rules, under which we are now working. We have suspended the rules in order to act upon that matter.

Mr. TESCHEMACHER. I think you have probably overlooked the fact that it was Mr. Riner who made the motion to suspend the rules. It was after Mr. Hay's motion was withdrawn. His motion was not before the house at all. I moved to amend his motion, and then Mr. Riner, of Laramie, moved to suspend the rules in order to change our present rules, which motion was seconded, and you declared it in order, and the rules were suspended in accordance with that.

Mr. BURRITT: I rise to a question of explanation, if I am allowed to make it. I supposed that the object in suspending these rules was to get rule No. 51 out of the way temporarily. I can discover no object in it, and for that reason I voted no.

Mr. SMITH. I would call attention to rule No. 59, "that these rules shall not be altered except after at least one day's notice—and then only by a majority vote of the members of the convention." I was laboring under the impression that this was an amendment to the rules, as I do not see that it helps matters any to suspend the rules, for if the object was to amend the rules they could not be amended even on a suspension of the rules, until after one day's notice. This is my construction, at least, of rule No. 59.

Mr. PRESIDENT. If we have suspended Rule No. 59, as to the necessity of one day's notice, we don't act under it. I understood the motion of the gentleman from Laramie to be to suspend the rule requiring one day's notice, in order to alter the rules.

Mr. RINER. If I may be allowed to explain, the chair has stated my motion exactly. My motion was to suspend the rules in order that immediate action might be taken in relation to the amendment of rules in regard to this matter of printing. That was my motion, and the vote was taken and the rule suspended.

Mr. SMITH. That still would not reach the question. The motion was made to suspend the rules in order to consider the motion pending. That motion was seconded and stated to the convention, and the motion could only be made as to that, and if not made as to that then the motion was out of order, and being out of order could not be made at all.

Mr. PRESIDENT. Will the gentleman from Laramie put his motion in form so it can be read.

Mr. HAY. I am having it attended to. I have employed an attorney to write it up.

Mr. COFFEEN. Mr. President, I believe we are all after the same result, and the only question is as to the method of reaching it. Rule 25 requires "that every petition and memorial shall be referred on motion without putting the question for that purpose unless the reference be objected to by a member at the time of its presentation. No petition or memorial or other matter shall be printed without the special order of the convention." That is the rule as I understand it. The point we want to reach is this, that no action shall be taken on the motion ordering the printing of any proposition until the committee on that document recommends to this convention that it should do so. I move therefore that it is the sense of this convention that we hear the reports of the committees to which these resolutions are referred before taking action in regard to their printing.

Mr. PRESIDENT. That in substance is embodied in the motion proposed by the gentleman from Laramie.

Mr. RINER. I move that Rule No. 4 be suspended for fifteen minutes while the attorney prepares the motion.

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. In order to get at the end desired by the motion to suspend Rule 4, perhaps we had better take a recess.

Mr. SMITH. I desire to move that the Laramie delegation be allowed to retire for fifteen minutes.

Mr. BURRITT. I desire to move that we proceed with the order of the day.

Mr. PALMER. Second the motion.

Mr. MORGAN. I rise to a point of order. This motion is out of order because the convention has already agreed to suspend the rules. This motion cannot be in order until that motion is reconsidered and passed in the convention.

Mr. SMITH. I rise to a point of order. The gentleman from Laramie is out of order because a question is not debatable until stated to the convention.

Mr. FRANK. I rise to a point of information. Have we suspended the entire rules or only Rule 59?

Mr. PRESIDENT. We have suspended so much of Rule 59 as refers to the matter of notice.

Mr. HAY. Mr. President, I move to amend Rule 25 by inserting in lieu of the last clause the following: No petition, resolution, memorial or proposition shall be printed until the convention have the report thereon from the committee to which it was referred for consideration, except by unanimous consent of the convention. I move the adoption of that motion.

Mr. RINER. Second the motion.

Mr. PRESIDENT. The motion is on the adoption of the resolution offered by the gentleman from Laramie to amend the rules. Are you ready for the question?

Mr. BURRITT. Mr. President. I object to this amendment to the rules for this reason. Committee No. 8, this morning, has presented a proposition upon a subject which is to a large number of the convention, to a large number of the people of the territory, in fact of the United States, a new question, namely, that of irrigation and water rights. Under the ruling of the president this has gone into the second order of the day, reports of standing committees. The committee in that report expressly state that it is not so intended. In this report they have planned out a plan, or skeleton, in reference to this matter, which we do not wish to go before the committee of the whole, but which we wish printed and read before this convention in order that it may be consideded. In some respects it is radical and different from anything that any state or territory in the union now has. This entire matter of irrigation is a matter of experiment very largely, and if this amendment to the rules is passed this cannot be printed unless it is done at private expense. I take it that this convention is composed of intelligent men, we know what we want printed and what we do not. This is not a report of the committee for a proposition to be incorporated into the constituiton, how far the committee may recommend the matter contained in this report be incorporated in the constitution I am not prepared to say, but it was especially understood in the committee that although the report was the unanimous report of the committee it was not considered as a report of the committee to be incorporated into the constituiton finally, but merely as a proposition, and this committee so sent it up to the chair. If this motion prevails this cannot be printed, and for the reasons stated I am opposed to the motion.

Mr. CONAWAY. As I understand this amendment to the rules, this proposition which has come from its committee, has come through the proper channel, and it would be proper to order the proposition to be printed.

Mr. COFFEEN. That is my understanding of it.

Mr. MORGAN. I wish to offer a substitute.

Mr. PRESIDENT. For the information of the convention and the chair, will the secretary read the resolution offered by the gentleman from Laramie, Mr. Hay.

(Resolution of Mr. Hay re-read.)

Mr. PRESIDENT. Now read Mr. Morgan's substitute.

"All propositions containing matter to be incorporated in the constitution shall be referred to its proper committee, and said committee shall report at once as to whether such proposition be printed or not. No petition, or memorial or other matter shall be printed without special order of the convention."

Mr. PRESIDENT. You have heard the amendment of the gentleman from Laramie, Mr. Morgan. What is your pleasure?

Mr. MORGAN. A word in explanation only. I do not press this matter, but simply offer it thinking perhaps it will get at the matters a little better. I have left the latter part of Rule 25 intact, as you shall see. Then again, there might be some memorials that we might want to have printed without the special order of the committee, and we don't want to put anything in their road. I just offer this as a suggestion, and if the convention think best not to adopt it, why they need not do it.

Mr. FOX. I don' see anything here to amend. Now this Rule 25 covers everything. "No petition, or memorial or other matter shall be printed without the special order of the convention." I don't see that this amendment is going to help us a bit. I am opposed to the amendment.

Mr. TESCHEMACHER. Mr. President, I think the great mistake is that some of us are forgetting that there are two rules, and are talking about one, when all the discussion has arisen on another rule altogether. Rule 25, as it now stands, refers expressly to petitions and memorials. These have nothing to do with these resolutions and bills, which, of course, all this discussion is about. The discussion came on Rule 51, and I would like if in order, to move an amendment to that rule.

It seems to me that Rule 25, as my colleague from Albany states, fills all the requirements; it provides just how memorials and petitions shall be printed, and no amendment to that could improve it in any way, but Rule 51 is the one that I would like to have discussed, and I move as an amendment to 51 the following:

"All reports of the committees containing matter to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention, such matters to be incorporated shall be referred immediately to the printing committee and when printed shall be placed upon the calender, to be considered in the committee of the whole convention. No other matter shall be printed except by unanimous consent of the convention."

It seems to me that in this way this question of printing can be disposed of and we can save all the time that is expended in printing all these resolutions. Unfortunately we have only plain deal tables here, and not lock desks, and we cannot keep track of all these resolutions even after they have been printed, and I think we will be spending a great deal of unnecessary time and money. If I get a second I would like to make a motion.

Mr. MORGAN. I withdraw my substitute and second the motion of Mr. Teschemacher.

Mr. HAY. I also withdraw my motion.

Mr. IRVINE. I second the motion of the gentleman from Laramie, Mr. Teschemacher.

Mr. PRESIDENT. Will the amendments be presented in writing so we can insert it into the rules, as requested.

Gentlemen of the convention; the motion of the gentleman from Laramie, Mr. Hay, was to amend the rules as to the matter of printing. The gentleman from Laramie, Mr. Riner, moved that the rules be suspended for the consideration of this motion; to amend our rules as to printing.

The gentleman from Laramie, Mr. Morgan, proposed a substitute for the resolution offered by Mr. Hay. Mr. Morgan asks to withdraw his resolution offered as a substitute, and there being no objection it is withdrawn. Mr. Hay also withdraws his motion. The gentleman from Laramie, Mr. Teschemacher, now offers the following amendment to the rules, as an amendment to the motion of Mr. Hay. The proposition offered by Mr. Teschemacher stands as a substitute for the motion offered by Mr. Hay. The question will be on the amendment offered by Mr. Teschemacher. Are you ready for the question? The clerk will read the proposition in order that the convention may understand just what it is.

(Teschemacher's amendment re-read.)

Mr. RINER. I ask that the roll be called upon its adoption.

Mr. SMITH. The proposition that is before the convention now has drifted entirely away from what it started with. Rule 51 has no application whatever to the printing of any matter that comes in here in its original condition, when introduced Rule 51 has reference only to matter that is finally reported by the committee for insertion into the constitution, and has no application whatever to printing the propositions as originally made here. I take it we have waited nearly on to an hour's time and what have we gained? How much better are you off? Can you make these rules any better? Are there any members in this house who are willing to amend these rules as they now stand so as to get them into such shape by which a single member of this convention can lock the wheels, and dictate to every other members. All propositions coming in here ought to be printed for the information of the members of this convention. Under this rule if this resolution, or this amendment, passes, you put yourself in shape where any one person can say no and that is the end of the matter. The rules as they were were good enough. I take it this convention is made up of intelligent men, as my friend from Johnston before remarked, and when a proposition comes in here they can determine whether they want it printed or not, and if it is not necessary to print it, if it is not of sufficient importance to print it, I think they will say no. The amendment offered by Mr. Morgan would have been satisfactory, but it did not change anything, but left the convention just where it was before; they would have authority to print or not to print. But if you adopt this last amendment offered you put it in the power of one man to say no, and you cannot have it printed. Take this subject of irrigation, and there are perhaps other subjects that are just as important, that ought to be printed. There may be one, two or three persons who are tolerably well informed on the subject, but the rest know little if anything about it, and this report was handed to the convention that it might be printed for the information of the members. Let us leave these rules as they are. If the convention wants something printed, let them have it printed. I don't think there will be any great amount of printing ordered and if something important comes in that the members ought to be advised on, the convention can order it printed; but if you adopt this amendment you lock the doors, for if one man objects you cannot have it printed.

Mr. IRVINE. I don't so understand the resolution as the gentleman takes it. I would like to have it read again before I vote.

Mr. PRESIDENT. The secretary will read; in order that the convention may be informed as to the amendment.

(Re-read, Teschemacher's amendment.)

Mr. COFFEEN. The last clause of that resolution or motion changes, if carried, the whole bearing of Rule 25, and has the serious objection that the gentleman has already raised;

that is, it gives one man the power in this convention to prevent the printing of any proposition, and thereby the just and general consideration of the question. As it now stands I am opposed to the resolution before the house, and shall vote against it. As it first stood, which was to take the sense of this convention on the report of the committee; that the committee should report first whether it was advisable that such proposition should be printed or not—that was a good idea. I was favorable to that, but it has drifted away from that, and comes up now in the shape of forbidding any printing whatever except by unanimous consent.

Mr. TESCHEMACHER. I will strike out the word unanimous from my resolution, so as to have something done. It would then stand that nothing be printed except by consent of the convention.

Mr. COFFEEN. I withdraw my objection, if that word is stricken out.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Riner, asks that the ayes and nays be called on the motion. The chair did not observe whether there was more than one second to the demand. I believe it requires two under our rules.

Mr. RINER. There are five seconds, Mr. President.

Mr. PRESIDENT. The ayes and noes will be called.

Mr. COFFEEN. Before the call, I would like to ask whether the word unanimous was stricken out?

Mr. PRESIDENT. The chair will state that there was no motion.

Mr. TESCHEMACHER. I am willing to strike out the word "unanimous."

Mr. COFFEEN. With that word stricken out, I think I can support the amendment.

(Calling of the roll, during which members in the committee rooms come in.)

SECRETARY. Mr. Campbell?

Mr. CAMPBELL. I ask to be excused from voting as I don't know a thing about it.

Mr. REID. I ask that the resolution be read, so the gentleman can vote on the subject. I object to his being excused.

Mr. PRESIDENT. The gentleman is out of order; a proposition can not be read while the roll is being called.

Mr. PRESIDENT. There are some other parties outside, and I move that the sergeant-at-arms notify them so they can vote on the subject.

Mr. PRESIDENT. Does any one move a call of the house? It is the recollection of the chair that a call of the house may be demanded by three persons.

Messrs. RINER, BURRITT and CAMPBELL. Call of the house.

Mr. PRESIDENT. A call of the house is ordered. The doors will be closed and the call of the house will proceed.

Mr. RINER. I move the further call of the house be dispensed with so we may call the roll.

Mr. REID. Second the motion.

Mr. PRESIDENT. It is moved that the further call of the house be dispensed with, and the roll be called. The secretary will call the roll. The question is upon the adoption of this resolution. All in favor of the resolution will say aye, as their names are called. Those opposed will say no. The gentlemen of the house will be seated.

Mr. POTTER. I call for a reading of the question.

Mr. PRESIDENT. When the roll is being called the gentleman has no right to call for a reading of the question. The call of the roll will proceed.

SECRETARY. Mr. Baldwin.

Mr. BALDWIN. I don't know the motion.

Mr. PRESIDENT. It is the fault of the gentleman that he does not understand. He is obliged to vote. Is your vote aye or no.

Mr. BALDWIN. No.

(The calling of the roll continues.)

Mr. PRESIDENT. Rule No. 59 reads "these rules shall not be amended except by a majority vote of the members of the convention." In favor of the resolution the ayes are 18, noes 19, absent 11. A majority not having voted in favor of the motion to amend and adopt the resolution, it is lost.

Mr. RINER. I move the convention now adjourn until tomorrow morning.

Mr. JOHNSON. If in order, I would like to present a report before we adjourn.

Mr. PRESIDENT. Will the gentleman waive his motion until the report of the committee can be read?

Mr. JOHNSON. I did not mean to have it read at this time, but only wanted to hand it in.

Mr. BAXTER. If in order I would like to amend the motion to adjourn until 2 o'clock tomorrow. It will give the committee a chance to catch up, and we will then have something for the convention to do besides work on the rules.

Mr. FOX. I move we adjourn until 2 o'clock this afternoon.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. The motion to adjourn is not in order. That is to adjourn until 2 o'clock this afternoon. The rules provide that a motion may be made for a recess from one hour of the day to another, but a motion to adjourn would carry it over until tomorrow.

Mr. FOX. I move we take a recess until this afternoon, 2 o'clock.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. There is no motion before the house to be amended. The motion offered by Mr. Riner was left in abeyance for the reading of these reports, and was withdrawn for that purpose. Does the gentleman from Albany, Mr. Fox, insist upon his motion for a recess?

Mr. FOX. I insist upon it. There are two or three reports that have been handed in here, and they can be immediately passed upon this afternoon, and become a part of the constitution. I see no reason why we should do nothing this afternoon. The committee can do their work this evening just as well. If we adjourn this afternoon the committee would only work an hour or so. This evening will do just as well. Some of us are here to attend to business. We neglected our busi-

Mr. PRESIDENT. Mr. Riner withdrew his motion to adjourn at the suggestion of the chair. The chair does not feel like taking up another motion under the circumstances. The motion of Mr. Riner will be renewed if he desires it. The chair does not wish to have a gentleman withdraw his motion at his suggestion and then entertain another motion to take its place, or to act in any way that might seem to be favoring any one member more than another. Does the gentleman from Laramie, Mr. Riner, desire to press his motion to adjourn?

Mr. RINER. No, sir.

Mr. PRESIDENT. The question will then be upon the motion to take a recess until 2 o'clock this afternoon. Are you ready for the question? All in favor of the motion will say aye, those opposed no. The ayes have it, the convention will take a recess until 2 this afternoon.

Tuesday afternoon, Sept. 10.

Convention reassembled at 2 p. m.

President Brown in the chair.

Mr. PRESIDENT. The gentlemen will come to order.

Gentlemen: I have a communication from our honorable delegate in congress, which the clerk will read.

(See journal page 40.)

Mr. PRESIDENT. At the time of taking a recess we were receiving reports of standing committees. Have all the reports for the day been handed in that are desired to be made at this time? The clerk will read the reports in the order in which they were presented.

CLERK. Report of Committee No. 8.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnston, Mr. Burritt.

Mr. BURRITT. If this proposition is to be printed I see no reason for reading it at this time. I move it be read by title and ordered printed.

Mr. SMITH. Second the motion.

ness to come here, and we want to get this business in shape so we can get through and go home.

Mr. PRESIDENT. It is moved and seconded that the proposition reported by committee on irrigation be referred to the committee on printing, or that it be ordered printed. I take it that whenever the convention orders any matter printed without its being referred to the printing committee, it is referred to them as a matter of course, and it is in their hands to look after and see that it is printed. Are you ready for the question? All in favor of printing the proposition presented to the convention by the irrigation committee will say aye, those opposed no. The ayes have it, and the proposition is ordered printed. It will lay on the table, and come up for action under the rules in committee of the whole. Any further reports?

SECRETARY. Report of Committee No. 12.

Mr. JOHNSON. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Johnson.

Mr. JOHNSON. If not too late I move that the recommendation of the committee as to the reference of a part of this matter to Committee No. 13 be adopted, and that the substitute be referred to the committee on printing.

Mr. BAXTER. Second the motion.

Report of Committee No. 8.

(See journal page 40.)

Report of Committee No. 12.

(See journal page 40.)

Municipal corporations.

Sec. 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the power of each class shall be defined by general laws, so that no such corporation shall have any power or be subject to any restrictions other than all corporations of the same class, and the legislature shall pass no special laws for the incorporation of any municipality or for amending the charter of any municipality.

Sec. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained according to law.

Sec. 3. The legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts, so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law, nor shall money raised by taxation, loan or assessment for one purpose ever be diverted to any other.

Sec. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

Mr. PRESIDENT. You have heard the motion that the matter reported by them be incorporated into the constitution be printed. Are you ready for the question? All in favor of the motion will say aye; those opposed no; the ayes have it, and the matter reported by the committee as a substitute is ordered printed. The matter referred to in the proposition presented in the resolution will be referred to the committee on corporations.

Mr. **POTTER. I understand that is all but Sec. 1.**

Mr. PRESIDENT. All but Sec. 1.

SECRETARY. Report of Committee No. 12. Majority and minority reports.

Substitute for Files No. 19 and 22.

Minority report of Committee No. 12, on county, city and town organization.

Mr. President:

The minority of your committee on county and town organization beg leave to report Sec. 4 filed herewith, and ask its adoption in lieu of Secs. 4, 5, 6 and 7 of the majority report.

GEO. W. FOX.
A. C. CAMPBELL.

September 10, 1889.

County Organization.

Sec. 4. The legislature may provide by general law for township organization whenever the same may be deemed necessary and shall provide by law for the election of township officers, prescribing their duties and compensation.

Committee No. 12, on county, city and town organization.
Report.

Mr. President:

Your committee return herewith Files No. 19 and 22 with the recommendation that they be not adopted. We have incorporated the provisions of these files in a substitute, together with other provisions, and we recommend that the substitute herewith returned be adopted.

CHARLES H. BURRITT,
J. A. RINER,
JONATHAN JONES.

September 10, 1889.

COUNTY ORGANIZATION.

Sec. 1. The several counties of the territory of Wyoming as they shall exist at the time of the admission of said territory as a state are hereby declared to be counties of the state of Wyoming.

Sec. 2. The legislature shall provide by general law for the organization of new counties, locating the county seats thereof temporarily and changing county lines. But no new counties shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by the last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of an equal or greater valuation, and no new counties shall be organized nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced.

Sec. 3. The legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove a county seat of any organized county.

Sec. 4. The legislative assembly shall provide by general law for township organization, under which any county may organize, whenever a majority of all the legal voters of such county, voting at a general election shall so determine, and whenever any county shall adopt township organization so much of this constitution as provides for the management of the fiscal concerns of said county by the board of county commissioners may be dispensed with by a majority vote of the people voting at any general election; and the affairs of said county may be transacted by the chairman of the several township boards of said county, and such other as may be provided by law for incorporated cities, towns or villages within such county.

Sec. 5. In any county that shall have adopted a system of government by the chairman of the several township boards, the question of continuing the same may be submitted to the electors of such county at a general election in such a manner as may be provided by law, and if a majority of all the votes cast upon such a question shall be against said system of government, then such system shall cease in said county, and the affairs of said county shall be transacted by a board of county commissioners as is now provided by the laws of the Territory of Wyoming.

Sec. 6. Until the system of county government by the chairman of the several township boards is adopted by any county the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members whose term of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business as shall be provided by law.

Sec. 7. The legislature shall provide by law for the election of such county and township officers as may be necessary.

Mr. BAXTER. I move they both be referred to the committee and ordered printed.

Mr. FOX. I amend the motion by moving that the convention go into committee of the whole for the consideration of this report. My object in making this motion is this: In the first place we have got the time to do it, and in the next place some gentleman in this convention may have a substitute that he wants to offer to one of the sections of the report, and it might be referred back to its committee.

Mr. PRESIDENT. The gentleman is out of order. Before debating a motion it should be stated by the chair. I would state to the gentleman that there are several other reports of committees to be read, and it seems to the chair that the order of business is the reading now of these reports, and placing them before the house for their decision. A motion to go into a committee of the whole may be made as to any particular report or as to all of them, and they will be taken up in committee of the whole, in the order that the reports are placed upon the table. Of course the convention can take them out of their regular order if they choose. Does the gentle man desire to do this?

Mr. FOX. If Mr. Baxter will withdraw his motion I am willing to let this motion lay over until all these reports are disposed of.

Mr. BAXTER. I move the reports be received and the original resolution and the substitutes be placed upon the general file.

Mr. PRESIDENT. Any further reports of standing committees, Mr. Secretary?

SECRETARY. None, Mr. President.

Mr. PRESIDENT. Reports of special committees?

SECRETARY. Report of special committee on ways and means.

(Report of committee on ways and means. See journal, page 41.)

Mr. PRESIDENT. What will you do gentlemen with the report of your special committee? The question would come on the reference of the matters suggested by the committee to a special committee, as they suggest; a committee on expenditures, etc., of this convention.

Mr. HAY. Mr. President, in connection with that report, I have a resolution. It is on the secretary's desk to be brought up at the proper time.

Mr. PRESIDENT. The convention may adopt the report of the special committee at this time by motion.

Mr. POTTER. I move the report of the special committee be adopted, and the committee discharged.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the report of the special committee be adopted. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it; the report of the committee is adopted, and the committee discharged.

Mr. PRESIDENT. Gentlemen, I have before me the resolutions that were offered by the gentleman from Albany, Mr.

Hoyt. He is not present at this time. Does the convention desire to act upon them now, or allow them to go over until his return? I am informed that Mr. Hoyt will be here to-morrow without fail.

Mr. SMITH. I move that the resolutions go over until to-morrow.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the resolutions offered by Mr. Hoyt go over until to-morrow. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it; the consideration of the resolutions goes over until to-morrow.

The resolution offered by Mr. Hay of Laramie. The clerk will read.

(See journal, page 42.)

Mr. PRESIDENT. Gentlemen, the question is on the adoption of the resolution as read. Are you ready for the question? All in favor of the adoption of the resolution as read will say aye; those opposed, no. The ayes have it, the resolution is adopted. This disposes of the general business on the table at this time. A motion to go into committee of the whole for the consideration of reports, or matters reported for incorporation into the constitution, is in order.

Mr. FOX. With the consent of the convention, I would like to offer a resolution.

(See journal, page 43.)

Mr. FOX. I move the adoption of the resolution.

Mr. HAY. Second the motion.

Mr. PRESIDENT. The question is on the adoption of the resolution of the gentleman from Albany, Mr. Fox. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the resolution is adopted.

Mr. POTTER. If not out of place, Mr. President, I would like to ask if there is anything upon the general file except that on resolutions in which there is a majority and minority report?

Mr. PRESIDENT. There are several. All that matter reported by the committees to be incorporated into the constitution, under the rules now lays on the table, and a motion to go into committee of the whole to consider these matters is now in order.

Mr. POTTER. The reason that I asked is because I understand that that majority and minority report refers to the organization of new counties, and I would move the postponement of the consideration of that matter before the house.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. The only difference that is in the majority and minority reports does not refer to the organization of new counties, but is simply as to the choice of language as to the proposition to go into the constitution, allowing counties to form a township organization, and so far as I am concerned I think it should go to the committee on printing. I don't think we are ready to discuss it at present.

Mr. POTTER. Another resolution of this same character has gone to a separate committee. The chairman of this committee is absent, and I understand he is considerably interested in the question. I do not think it would be wise to take up that question now; I do not think it would be courtesy to that other committee. We are unfortunate in having these same matters go to separate committees.

Mr. FOX. I think the committee of the whole should not decide upon any one proposition to go into the constitution in one session. It should have several sessions at different times upon each question and have it discussed at each, so that it may be brought fully before the members of this convention. In regard to having this proposition printed, if the minority report on township organization is not favorable to this convention, it is not necessary to have it printed, and that matter can be disposed of this afternoon in the committee of the whole. If the committee of the whole decides that the majority report shall be printed, or that it shall not be printed, that will settle that matter, and we need not have it come up again. I think if by going into committee of the whole we can get this matter in order, we ought to do it. Let the convention decide whether either of these reports shall be printed or not. I think that this is the place to decide. I therefore move that we resolve ourselves into committee of the whole.

Mr. PRESIDENT. The chair desires to call the attention of the convention to Rule 51. It seems to me always best to follow the line of these rules, and if we would study the rules a little we would have no trouble. I will read the rule again.

"Rule No. 51. All reports of the committees containing matter to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention such matters to be incorporated shall be laid upon the table, and (when so ordered) be printed, and when printed (if so ordered) shall be placed upon the calender to be considered in committee of the whole convention, and if not ordered printed, they shall immediately be placed upon the calender to be considered by the committee of the whole."

Now there are some of these reports, I believe, that have been ordered printed. Those that have, under this rule, will lay on the table until they are printed, and come up then in their regular order. Those not ordered printed may come up in their regular order to be considered by the committee of the whole convention. It seems to me that that is the plain reading of the rules, when taken together. I will read it over again for fear I may be mistaken.

"When printed, if so ordered, shall be placed upon the calender, etc."

Will the secretary inform the chair what, if anything, is on the table in the way of reports of matters to be incorporated into the constitution, that has not been ordered printed?

SECRETARY. There is nothing, Mr. President.

Mr. POTTER. Certainly, this last resolution was not ordered printed.

Mr. PRESIDENT. The reports of the two committees on the matter to be incorporated into the constitution, as I recollect, were not ordered printed. Were either of these reports ordered printed?

Mr. JOHNSTON. The first one was, Mr. President; the one in reference to the irrigation committee's report.

Mr. PRESIDENT. But I refer to the report of the second committee, where two reports were made.

SECRETARY. The report is before you, Mr. President, neither was ordered printed.

Mr. FOX. Mr. Chairman, this is all just as plain as day, when understood. If we take up both these majority and minority reports; I put the minority first, because I think it is best, and not go over them, we can decide as to which is the proper one; the convention can then refer this matter back to its special committee, and they shall make another report. I therefore move that we go into committee of the whole.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. The motion is that we go into committee of the whole. Are you ready for the question?

Mr. CONAWAY. I am not ready for that question, and hardly know when I shall be. I don't understand this matter of printing, as the gentleman from Albany, Mr. Fox, does. I do not feel prepared at this time to discuss or act on that matter or to decide which of the two reports is preferable, the majority or minority report. As I understand the necessity, or propriety, of printing these matters that are reported from the committees to be incorparated into the constitution, it is that we may have an opportunity to read them, to become familiar with the language, criticise it and compare it with other propositions that we may have in our minds, or in books, and to see whether we desire to amend them or not, before we act upon them. I do not feel prepared at present to go into committee of the whole. I have no definite ideas about it; by simply hearing it read over once, I do not get sufficient information on the subject, and I therefore oppose the motion.

Mr. SMITH. I was just going to say that my recollection is that this is the only matter reported from the committees today of matter that is intended to be incorporated into the constitution, which has not been ordered printed, and I do not understand why there is not the same necessity for printing this, the same as the other matter.

Mr. PRESIDENT. The chair desires to call the attention of the convention to Rule 36.

"The following questions shall be decided without debate, to-wit: To adjourn, to take a recess, to take from the table, to go into the committee of the whole on orders of the day."

The chair has not objected because we desire to prevent the exchange of opinions as freely as we can, but respectfully asks the members to observe the rules as far as they may. That is all. The question is on the motion to go into committee of the whole. Are you ready for the question? All in favor of the motion will say aye; those opposed no; the noes seem to have it.

Mr. RINER. Division.

Mr. PRESIDENT. A division is called for. All in favor of the motion will rise to their feet and stand until counted. The chair counts fourteen. All opposed will rise and stand until counted. The chair counts twenty in the negative. The motion to go into committee of the whole is lost.

Mr. BAXTER. I now move that both the majority and minority reports be referred to the committee on printing, and ordered printed.

Mr. CONAWAY. Second the motion.

Mr. PRESIDENT. It is moved that the report of the majority and minority of the committee be printed. All in favor of the motion will say aye; those opposed no. The ayes have it, the motion prevails. The reports are referred to the committee on printing.

Mr. ELLIOTT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Elliott.

Mr. ELLIOTT. I would request of the convention that the gentleman from Fremont, Mr. Preston, and myself, be excused from further attendance on the session this afternoon. There is some important work we desire to do—work for the convention—and we desire to have it ready by tomorrow morning.

Mr. PRESIDENT. Is there objection to the gentlemen being excused? The chair hears no objection, and the gentlemen are excused.

Mr. CAMPBELL. I move that we adjourn until tomorrow morning.

Mr. RINER. Second the motion.

Mr. JEFFREY. One moment before adjourning.

Mr. PRESIDENT. By consent of the gentleman who moves to adjourn the gentleman will address the convention.

Mr. CAMPBELL. I consent.

Mr. JEFFREY. I wish to request that Committee No. 5 will meet immediately after adjournment in the room on the east side. There is a good deal of important business before the committee, and as this is the afternoon designated for the meeting, I hope all members will make it a point to be on hand.

Mr. PALMER. I desire to call a meeting of Committee No. 18, in the room on the west side, immediately after adjournment.

Mr. JOHNSTON. I would like, if not out of order, to call together the committee that was appointed to furnish information to the senate committee on irrigation to meet in Prof. Mead's room this evening. He may have some information and instructions to give them, which will enable them to collect the information desired.

Mr. PRESIDENT. Does the convention understand the request made by Mr. Johnston. The committee appointed to confer with the senate committee on the matter of irrigation are requested to meet at the office of Mr. Mead this evening.

Mr. SMITH. I would like to call ameeting of Committee No. 14, but I don't know just when to call it, as there are a number of us on No. 5, but perhaps as soon as we get through that, we can stop here a few moments and arrange before we go away for a meeting this evening.

Mr. BAXTER. With the permission of the gentleman who made the motion to adjourn, I would like to ask whether the convention will be prepared to take any action tomorrow morning. If not it seems to me it would be wise to allow the forenoon to our committee work tomorrow. If there is nothing more important than the discussion of the rules I think we night adjourn. Is there any gentleman here who can say whether or not there will be anything here to consider tomorrow morning?

Mr. CHAPLIN. It is quite likely that everything ordered printed can be furnished to this convention by 10 o'clock tomorrow morning.

Mr. PRESIDENT. The question is on the motion to adjourn, unless it is further delayed by request. It is moved that we do now adjourn until 10 o'clock tomorrow morning. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion to adjourn prevails.

NINTH DAY.

MORNING SESSION.

Wednesday, Sept. 11, 1889.

The convention reassembled at 10 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention will come to order.

Prayer.

Mr. PRESIDENT. The secretary will call the roll.

Roll call.

The secretary will read the journal of yesterday.

(Reading of the journal of the eighth day.)

Mr. PRESIDENT. Gentlemen of the convention, are there any corrections to be made in the journal? The chair hears none suggested. The record will stand approved unless objection is made; there being no objection the record is approved as read.

Mr. BAXTER. I would like the record to show I was present. I was not here at roll call, but attended the session through the day.

Mr. HAY. I would like to make the same request. I was here all day.

Mr. PRESIDENT. Both gentlemen made that request on yesterday, or it was made for them, and the roll call was ordered to show their presence.

Mr. IRVINE. I would like to make the same request for this morning. I was not present at roll call.

Mr. PRESIDENT. The chair noticed Mr. Teschemacher and Mr. Hay of Laramie, and Mr. Scott of Crook came in after roll call. If so desired the record will show their presence.

I see, gentlemen, there is present this morning, Mr. DeForest Richards, member elect frm Converse county to this convention. Justice Carroll is also here. I believe the credentials of Mr. Richards have been passed upon by the convention, and if there is no objection he will be sworn in as a member of this convention. The chair hears no objection. Will the gentleman, Mr. Richards, come forward and Justice Carroll administer the oath?

(Swearing in of Mr. Richards.)

Mr. PRESIDENT. I would like to say to Mr. Richards, on behalf of the convention, that we are glad to have him here with us as a member.

Introduction of propositions, memorials and petitions will now be in order.

Mr. CAMPBELL. I have here a proposition concerning the incorporation of cities, towns and counties.

Mr. MORGAN. I have a proposition concerning the legislative department.

Mr. GRANT. I have a proposition.

Mr. McCANDLISH. I have a proposition concerning county officials.

Mr. PRESIDENT. Are there any further propositions? The chair hears none. The secretary will read such propositions and resolutions as have been presented, in the order in which they came to the desk.

SECRETARY. File No. 59, by Mr. Fox.

Sec. 1. The following oath or affimation shall be required of every person elected or appointed to any school office, or for their supervision, or for the management of the school lands or other public property before entering upon the duties of their office.

"Do you solemnly swear (or affirm) that you will support and defend the constitution of the United States, and of the State of Wyoming, that you are in favor of free public schools, that you will use your best endeavors to forward their interests, promote their welfare and protect the property and franchises set apart or granted for their use by any authority whatever. So help me God?"

Sec. 2. Any person refusing to qualify according to the foregoing oath or affirmation shall be disqualified from holding any public school official trust or responsibility.

Mr. PRESIDENT. Gentlemen of the convention, if not otherwise ordered, File No. 59 will be referred to Committee No. 5, qualifications to office, etc.

Mr. TESCHEMACHER. I would like to suggest that it be referred to the Committee No. 7, on education. It seems to me that Committee No. 5 will only want to make general qualifications, and that any special qualifications should be referred to some special committee.

Mr. FOX. I should favor the recommendation that it be referred to the committee on school matters.

Mr. PRESIDENT. File No. 59 will then be referred to Committee No. 7, on education, etc. The clerk will read the next file.

SECRETARY. File No. 60, by Mr. Fox.

Federal Relations.

Sec. 1. The state of Wyoming is an inseparable part of the American union and the constitution of the United States is the supreme law of the land. The following article shall be irrevocable without the consent of the United States and the people of this state.

Sec. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Sec. 3. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and congress of the United States, that the lands belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands belonging to residents of this state, that no taxes shall be imposed by this state on lands or property therein, belonging to, or which may hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this state from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have or may be granted to any Indian or Indians under any acts of congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long and to such an extent as is, or may be, provided in the act of congress granting the same.

Sec. 4. The state of Wyoming shall assume and pay all warrants, bonds, debts and liabilities of every nature that have been contracted by the territory of Wyoming and remaining unpaid at the time of her admittance into the union.

Sec. 5. The legislature shall make laws for the establishment and maintenance of systems of public schools, which shall be open to all children of the state and free from sectarian control.

Mr. PRESIDENT. Gentlemen of the convention, File No. 60 contains matter that perhaps might be considered by various committees, but as it deals more generally with our relations with the federal government as to school lands, and the money that may be derived from them, unless otherwise ordered it will be referred to Committee No. 16, on federal relations, etc. Is there objection? The chair hears none, it is so ordered.

SECRETARY. File No. 61, by Mr. Campbell.

Mr. PRESIDENT. File No. 61, unless otherwise ordered, will be referred to Committee No. 12, county, city and town organization.

Mr. ELLIOTT.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Elliott.

Mr. ELLIOTT. Committee No. 12 on yesterday reported a proposition on this subject, recommending that it be incorporated into the constitution. The referring of this question to them at this time would require them to do their business all over again. I therefore move, if in order, that it be printed and referred to the committee of the whole.

Mr. BURRITT. The report of Committee No. 12, submitted yesterday, contained all the provisions that this proposition contains in reference to cities and towns, except one brief provision, which, if printed, the members can give it consideration in committee of the whole. The balance of the proposition refers to the salaries of public officers. A similar proposition is already in the hands of the secretary, both of which really ought to go to Committee No. 15, on salaries of public officers. I therefore move the reference of this to Committee No. 15.

Mr. PRESIDENT. In the reference of all matters of this kind, under the rules, reference to committee of the whole has the preference in the order in which these matters shall be put. The request is to refer to committee of the whole. All in favor of referring this proposition to committee of the whole will say aye; those opposed no. The noes have it. The motion to refer to committee of the whole is lost. The question will now be on the reference of File No. 61 to Committee No. 15, on salaries of public officers. All in favor of referring File 61 to Committee No. 15 will say aye; those opposed no. The ayes seem to have it. File No. 61 is referred to Committee No. 15.

SECRETARY. File No. 62, by Mr. Morgan.

Mr. MORGAN. As this is a long document I would request if it is in order that the first page only be read. I want to save the time of the convention. The first page is all that is of any great interest.

Mr. PRESIDENT. Is this a report from a committee of matter to go into the constitution?

Mr. MORGAN. It is a proposition from a member.

Mr. PRESIDENT. If there is no objection the first page will be read. There being no objection the clerk will read the first page of the proposition.

Mr. MORGAN. That is all that I care to have read.

Mr. PRESIDENT. File No. 62, unless otherwise ordered by the convention will be referred to Committee No. 2, on legislative department. Is there objection? The chair hears none. Proposition No. 62 is so referred. The secretary will read.

SECRETARY. File No. 63, by Mr. Grant.

Mr. MORGAN. I ask leave that Committee No. 2 be allowed to sit today during the session of the convention.

Mr. PRESIDENT. Is there objection? You have heard the request of the gentleman from Laramie that Committee No. 2 be allowed to sit during the session of the convention. There being no objection, the committee is so authorized. The clerk will proceed.

SECRETARY. File No. 63, by Mr. Grant.

Mr. PRESIDENT. Unless otherwise directed File No. 63 will be referred to Committee No. 11, taxation, revenue and public debt. Is there objection? The chair hears none; it is so referred.

SECRETARY. File No. 64, by Mr. Morgan.

Mr. PRESIDENT. Gentlemen of the convention, unless otherwise ordered File No. 64 will be referred to Committee No. 5, on elections, qualifications to office, etc. The chair hears no objection; it is so ordered. The secretary will read.

SECRETARY. File No. 65, by Mr. McCandlish.

Mr. PRESIDENT. File No. 65, unless otherwise ordered by the convention, will be referred to Committee No. 15, on salaries of public officers. Is there objection? The chair hears none. File No. 65 is so referred to Committee No. 15.

Reports of standing committees are now in order.

Mr. PALMER. Mr. President.

Mr. PRESIDENT. The gentleman from Sweetwater, Mr. Palmer.

Mr. PALMER. I have a report from Committee No. 18.

Mr. PRESIDENT. Any further reports?

A committee was ordered yesterday to inspect the work of the stenographer from day to day as that work may be presented by her. I will appoint on that committee Mr. Fox, of Albany; Mr. Jeffrey and Mr. Baxter, of Laramie.

Are there any further reports from standing committees? Any reports from select committees? The clerk will read the report of the committee presented.

SECRETARY. Report of Committee No. 18, concerning Files 13 and 46.

(See journal page 44.)

Mr. PRESIDENT. Gentlemen of the convention. Do you desire the matter referred back to be incorporated in the constitution, printed? Under our rules, matter reported by a committee to be incorporated into the constitution may be printed, if so ordered at this time; it will then lay over until it is printed and the printed copies returned to the convention, and it will then come up under our rules for consideration in committee of the whole. If not printed it will come up in the regular order today.

Mr. IRVINE. I move that the substitute as regards to future amendments, that part of the report of Committee No. 18, be printed.

Mr. BURRITT. I move that File No. 46 and the substitute be printed.

Mr. McCANDLISH. Second the motion.

Mr. IRVINE. I accept that amendment.

Mr. PRESIDENT. It is moved that File No. 46 and the substitute to File 13 be printed. All in favor of the proposition as made will say aye; those opposed no. The ayes have it. The files as reported are ordered printed. The clerk will read.

SECRETARY. Report of Committee No. 5.

(See journal page 44.)

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. POTTER. I ask for information. What is the proposition reported back without the recommendation of the committee?

Mr. PRESIDENT. In order that the convention may be informed the secretary will read the proposition.

(File No. 18 re-read here.)

Mr. PRESIDENT. The recommendation of Committee No. 5 is that this matter be referred to Committee No. 3. Are you ready for the question? All in favor of referring to Committee No. 3 will say aye; those opposed no. The ayes have it. The proposition is referred to Committee No. 3. Any further reports, Mr. Secretary?

SECRETARY. None, Mr. President.

Mr. PRESIDENT. Gentlemen; the matter of the resolution offered by the gentleman from Albany county, Mr. Hoyt, is now before the convention for its consideration. In order that the convention may be fully posted the secretary will read the resolutions.

SECRETARY. Resolutions by Mr. Hoyt.

(Reading of the resolutions, which appear under date of September 7th, on which day they were presented to the convention.)

Mr. PRESIDENT. Gentlemen, the resolution is before you for adoption, amendment, or such disposition as may be deemed proper to make.

Mr. JEFFREY. I wish to offer an amendment to be inserted in the place of No. 2, and then all the other sections will be numbered one number higher. The matter that I propose to insert as No. 2 is a copy of the resolutions adopted by the boards of county commissioners of the several counties in the territory, which I believe was the foundation of the action of the governor and other officials.

Mr. PRESIDENT. If I understand it, you wish to add to one of the provisions of the proposition, that matter.

Mr. JEFFREY. I do.

Mr. HOYT. I think there can be no objection made to the adoption of the amendment. I think it might be embodied in the resolution.

Mr. PRESIDENT. The resolution will then be amended, as suggested by Mr. Jeffrey, if there is no objection.

Mr. POTTER. Is there any motion before the house at all?

Mr. PRESIDENT. I think not.

Mr. POTTER. I move that it be adopted.

Mr. RINER. Second the motion.

Mr. PRESIDENT. Adopted as an amendment?

Mr. POTTER. Yes.

Mr. PRESIDENT. Perhaps the house ought to be fully advised of the nature of the amendment before it is adopted. Will the gentleman reduce his amendment to writing, so we may know what we are doing, or state his amendment again?

Mr. JEFFREY. Resolved, That the resolutions adopted by the several boards of county commissioners in the territory of Wyoming be incorporated in the resolution.

Mr. PRESIDENT. The question is upon the adoption of the resolution. Are you ready for the question? All in favor of the adoption of the resolution will say aye; those opposed no. The ayes have it; the resolution is adopted. The secretary will now read Mr. Hoyt's resolution as amended.

(Mr. Hoyt's resolution re-read.)

Mr. PRESIDENT. Gentlemen, you have heard the resolution read. The question is before you now as to its adoption or other disposition. What is the pleasure of the convention?

Mr. BURRITT. I move the resolution be adopted.

Mr. JOHNSTON. Second the motion.

Mr. PRESIDENT. The question is shall the resolution as read be adopted. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it, the resolution stands adopted. Is there anything further on the table this morning, Mr. Secretary?

SECRETARY. No, Mr. President.

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I would like very much to call the attention of the committee on ordinances to the fact that we cannot adopt any provision of this constitution, if we are acting under Senate Bill 2,445, which we have been trying to act under, until we have adopted one ordinance, and as the ordinance is a very simple one, it seems to me that the committee should report that ordinance and have it passed, so we can adopt clauses of this constitution.

Mr. POTTER. What ordinance is that?

Mr. TESCHEMACHER. It is the one that requires us to agree to obey the constitution of the United States.

Mr. PRESIDENT. The gentleman refers to the resolution offered by Mr. Jeffrey, that we adopt the constitution of the United States. The resolution was referred to what committee, Mr. Secretary?

SECRETARY. No. 1, Mr. President.

Mr. PRESIDENT. A report is called for.

Mr. RUSSELL. Mr. President.

Mr. PRESIDENT. The gentleman from Uinta, Mr. Russell.

Mr. RUSSELL. It seems to me that we are not working under any one ruling, or any one law in framing this constitution, directly in opposition to the will of the people. I think the only ruling we are working under is representation. We are not compelled, as I understand it, to take any particular part or to adopt any particular line of conduct as to our framing of this constitution. The gentleman from Laramie says and often quotes this law that is laid down in this document here of the senate ruling, or our application of that senate bill. Now, I don't think myself we are working under any definite control other than the control of the people which we represent. I think if these questions were left and we were allowed scope for our wisdom we should save a little of the time that has been spent here, and may spend here in our decision of these matters. I consider we have frittered away a good deal of time in splitting hairs and deciding matter of quotations of that ruling, that are of no moment to the people of our territory, or our future state. They do not care to have us here deciding whether we shall rule this way or that way. What we want is some good law, some good foundation, and I object as a member of this convention to this convention meeting here and when we get here do nothing but split hairs and divide the difference.

Mr. PRESIDENT. Will the gentleman come to order? There is no question before the house for debate.

Mr. RUSSELL. I will take exception to the ruling, Mr. Chairman, by calling attention to the fact that I can talk on the quotation made by the gentleman over there. I speak to the question alluded to by him.

Mr. PRESIDENT. There is no question before the house. If the gentleman desires he can appeal.

Mr. POTTER. Question.

Mr. PRESIDENT. It is within the power of the convention to call for the report of a committee at any time. Is there a motion that the Committee No. 1 be required to report at this time on the resolution referred to. The matter can be reached in that way, if desired by the convention.

Mr. JEFFREY. I call for the report of the committee.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. It is moved and seconded that Committee No. 1 be required to report back on the resolution offered by the gentleman from Laramie, Mr. Jeffrey, as to the adoption of the constitution. The matter is now before the house for its action. The gentleman from Uinta can discuss the question if he desires.

Mr. RUSSELL. I only wish to say this. That I wish to support the motion, to sustain it in its ruling, but I object entirely to the disposition of the convention to occupy its time as it has done in the past in patting me on the back, or the other fellow on the back, and saying we are good fellows, very wise men. For my part I am down here on my own account, I work for my living, I have come here and have to pay my expenses here. I stay here without any salary, or without any pay. My people that I represent are a working class of people, and I think we have had sufficient in this convention of you tickle me and I will tickle you.

Mr. POTTER. I rise to a point of order. I don't think the gentleman is speaking to the question, and he is out of order.

Mr. PRESIDENT. The point of order is well taken.

Mr. RUSSELL. I will go back to the question. I will take it up under that head.

Mr. PRESIDENT. When a question of order is raised and sustained any gentleman addressing the chair is required to sit down. He may be permitted to proceed with his argument with the consent of the house. Is there objection to the gentleman further proceeding? The chair hears none. The gentleman can proceed by addressing himself to the convention on the question before the house.

Mr. RUSSELL. The question is this. Shall we conform to any particular proceeding in making our constitution? Are the laws of the United States not sufficiently broad enough, and say that we represent the people. The rule that should govern us should be the will and the wish of the people we represent, not because this ruling says you will follow this proceeding, that is the particular way. I think this convention will become original in its action, it will incorporate original matters perhaps in its construction of a constitution, and that it will be different, and there is no law laid down by which we may be governed, other than the will of the people we represent. I refuse to sit here day after day and listen to men pat the other fellow on the back and call him hail fellow, well met. This is not making constitutions for Wyoming's people, for Wyoming's state. I think we have had perfectly sufficient of this. I am pretty near tired of sitting here listening to the word of the other fellow calling his right hand neighbor good fellow.

Mr. PRESIDENT. The question is shall the committee be requested to report back the resolution offered by the gentleman from Laramie, that we adopt the constitution of the United States. All in favor of the motion will say aye; those opposed no. The ayes have it, Committee No. 1 is requested to report back the resolution.

Mr. BAXTER. I desire to inform the convention that never since we have met here, since a week ago last Monday, excepting one day, has there been a quorum present of this committee, and that was before the reference of this particular matter was made. There are only five members of the committee and three have been constantly absent since the committee was formed, except one day.

Mr. CAMPBELL. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Campell.

Mr. CAMPBELL. I desire to make a motion. It is in reference to othe death of Sunset Cox. It is well known by every person who has followed the course of the discussion in congress the last few years, that there has been no more able or sincere friend for the admission of the territories into the union than the late Sunset Cox. I think it is no more than right that this convention should extend its sympathy to the widow of Mr. Cox, and I therefore desire that this telegram be sent to Mrs. Cox, as the expression of this convention:

"In the death of your distinguished husband, we recognize the loss of an earnest and able advocate for our admission as a state. Permit us to extend our sympathy in this your hour of affliction."

Mr. CAMPBELL. I would move, Mr. President, that that message be sent to Mrs. Cox from this convention.

Mr. HAY. Second the motion.

Mr. PRESIDENT. Gentlemen, the question is upon the adoption of the resolution of the gentleman from Laramie, Mr. Campbell. Are you ready for the question? All in favor of the adoption of the resolution will say aye; those opposed no. The ayes have it; the resolution is adopted.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. In order to bring the matter before the convention that was just referred to preceding the adoption of this resolution, I desire to request that the resolution of the gentleman from Laramie, Mr. Jeffrey, be referred to the committee or ordinances. There is no telling when we can get a quorum of that committee, and I think the matter ought to be attended to as soon as possible.

Mr. PRESIDENT. The chairman of that committee is authorized to make the report, without any other member concurring therein.

Mr. BAXTER. I should be glad to have that authoroity.

Mr. HOLDEN. I desire to make the following motion: that there be added to the committee appointed by this convention to meet and confer with the United States senate committee, which is to visit this city in the near future, first, Hon. M. C. Brown, president of this convention; second, that the Hon. J. M. Carey be requested to act in conjunction with said special committee and that the secretary of this convention be instructed to notify him in writing of such request; and third, that the secretary be instructed to notify Governor Warren of the action of this convention upon the communication from said senate committee, submitted to this convention by him.

Mr. IRVINE. Second the motion.

Mr. PRESIDENT. You have heard the reading of the resolution. The question is upon the adoption of the resolution as read. Are you ready for the question?

Mr. BAXTER. Before the vote is taken on that, I desire to say that I am opposed to one part of the resolution. It seems to me that a committee has been appointed, representing this convention, and I doubt the propriety of asking any gentleman, not a member of the convention, to act as a part of the committee. I have no doubt opportunity will be given Judge Carey to appear before this senate committee which is expected, and assist in every way in presenting to them all the matters that we desire them to have, but I am opposed to his being invited to act as a part of the committee from this convention.

Mr. JOHNSTON. I would say for the information of the gentleman who has just spoken that this motion was not intended to include Judge Carey as one of the committee, but to act in conjunction with this committee, but not as one of the committee. He will meet these people more or less during the coming winter in Washington; he is the only person we have there to represent us, and we thought it only proper that he be asked to act in conjunction with this committee.

Mr. PRESIDENT. All in favor of the resolution will say aye; those opposed no; the ayes have it; the resolution is adopted.

Mr. IRVINE. Mr. President.

Mr. PRESIDENT. The gentleman frm Converse, Mr. Irvine.

Mr. IRVINE. I desire to move that Mr. De Forest Richards, who I presume is now eligible for the position, be placed upon that committee to meet the senate committee.

Mr. PRESIDENT. The gentleman from Converse, Mr. Irvine, acting for the delegation from that county, suggests the name of Mr. De Forest Richards, as a member of this committee. Under the rules, there being no other nomination by the delegation from that county, Mr. Richards is appointed as the member from that section.

Mr. GRANT. I would like to call a meeting of Committee No. 11, at half-past one in the committee room.

Mr. HOYT. I desire to call a meeting of Committee No. 7, immediately after adjournment this morning.

Mr. RINER. I move we take a recess until 2 this afternoon.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. Gentlemen, it is moved and seconded that we take a recess until 2 o'clock this afternoon. Are you ready for the question? All in favor of the motion will say aye; those opposed no; the ayes have it; the motion prevails. The convention will take a recess until 2 o'clock.

Convention reassembled at 2 o'clock, President Brown presiding.

Mr. PRESIDENT. As soon as the gentlemen are seated, the sergeant-at-arms will proceed to distribute the copies of matters reported back by the committee.

Mr. ORGAN. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Organ.

Mr. ORGAN. Committee No. 20, on ordinances, wish to make a report.

Mr. PRESIDENT. The secretary will please read.

(See journal page 47.)

M. PRESIDENT. Is there a motion to print. If not the matter reported back will go on to the general file, to be considered in committee of the whole.

Mr. JEFFREY. I move that the rules be suspended for the purpose of taking immediate action on this report. If it is necessary to suspend the rules.

Mr. PRESIDENT. The convention will go into committee of the whole on the general file, and this will come up then in its regular order. The clerk would like to know how this resolution got into the hands of Committee No. 20.

Mr. JEFFREY. The resolution was in the hands of Committee No. 1, and that committee was requested to report the same back to the convention for reference to Committee No. 20.

Mr. PRESIDENT. If there is no objection I suppose the records may so show. It is the understanding of the chair that one or two of our committees are at work preparing a report to submit to the convention. The chair is delaying to call up the next order of business for that reason. The next order of business would be to go into the committee of the whole on the general file. It may perhaps be well to delay until the committees come in.

Mr. JEFFREY. I move to take a recess of fifteen minutes until the committees can get in some of their reports that are about ready.

Mr. TESCHEMACHER. I move we amend that and make it until 3 o'clock. By that time some other committees will probably be able to make some reports, and we can then go to work. At present all the time is taken up with the sessions of the convention and the committees cannot possibly do any work.

Mr. PRESIDENT. It is moved that we take a recess until 3 o'clock. All in favor of the motion will say aye; those opposed no. The ayes have it; the convention is now in recess.

(Recess until 3 o'clock.)

Mr. PRESIDENT. The convention will come to order.

Mr. POTTER. I move that the report of Committee No. 20, together with the substitute and the resolution with reference to the adoption of the constitution of the United States, be taken from the foot of the file and placed at the head of the file.

Mr. ORGAN. Second the motion.

Mr. PRESIDENT. Under our rule these matters reported back go on to the general file in the order reported. The motion is to suspend the rules and place the file in reference to the adoption of the constitution at the head of the file, instead of leaving it in its present order. The chair will not put the motion unless required. Is there objection to the file being so changed? If not, by unanimous consent, it will be placed at the front of the file.

Mr. PALMER. Mr. President, I have a report of Committee No. 18.

Mr. PRESIDENT. The business of receiving reports is not at this time in order. The house is about to go into committee of the whole on the general file.

Mr. PALMER. I will ask consent that the report be ordered printed. The subjects have been finally considered by the committee.

Mr. PRESIDENT. Gentlemen of the convention, Committee No. 18 has reported back matter to go into the constitution and ask that it be printed. Is there objection? The chair hears none. There being none, by unanimous consent the matter is ordered printed.

Mr. BARROW. Mr. President.

Mr. PRESIDENT. The gentleman from Converse, Mr. Barrow.

Mr. BARROW. Committee No. 6 asks leave of the convention to sit this afternoon at once. Owing to my absence they have not been able to accomplish much, and if allowed to sit this afternoon I believe we can catch up.

Mr. PRESIDENT. The house is about to go into committee of the whole. Do the gentlemen desire to be absent? Committee No. 6 asks leave to be absent this afternoon to consider business before them. Is there objection? The chair hears none. Leave is granted, there being no objection. A motion to go into committee of the whole to consider the general file is in order.

Mr. POTER. I move that we go into committee of the whole to consider the general file.

Mr. PALMER. Second the motion.

Mr. PRESIDENT. The motion is that we go into committee of the whole to consider the general file. All in favor of this motion will say aye; those opposed no. The ayes have it. The chair will call to the chair Mr. Baxter, of Laramie. Mr. Baxter desires to be excused from taking the chair in committee of the whole. The chair will call upon Mr. Organ, of Laramie. The house is now in committee of the whole, Mr. Organ in the chair.

Mr. CHAIRMAN. The first business before the house is the substitute for Mr. Jeffrey's resolution on the adoption of the constitution of the United States. The secretary will please

Resolved, That the delegates to this convention, elected for the purpose of forming a constitution for the proposed state of Wyoming, do hereby declare, on behalf of the people of said proposed state, that they adopt the constitution of the United States.

Mr. POTTER. I move that when this committee arise they report to the convention recommending that this resolution as just read be adopted.

Mr. JOHNSTON. Second the motion.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that when this committee arise they report that this resolution as reported by Committee No. 20 be adopted. Are you ready for the question? Any further remarks? Gentlemen, you have heard the motion as moved by the gentleman from Laramie, Mr. Potter. All in favor of the motion will say aye; those opposed no. The resolution is adopted.

The next order of business will be the consideration of File No. 58, by Committee No. 12, on municipal corporations. The secretary will please read.

SECRETARY. File No. 58, by Committee No. 12.

Municipal corporations.

Sec. 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the power of each class shall be defined by general laws, so that no such corporation shall have any power or be subject to any restrictions other than all corporations of the same class; and the legislature shall pass no special laws for the incorporation of any municipality or for amending the charter of any municipality.

Sec. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained according to law.

Sec. 3. The legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts, so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected, or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law, nor shall money raised by taxation, loan or assessment for one purpose ever be divert- to any other.

Sec. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

Mr. BROWN. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Albany, Mr. Brown.

Mr. BROWN. I move to strike out all that portion of the first section after the word "class" in the fifth line, the words being as follows: "and the legislature shall pass no special laws for the incorporation of any municipality or for amending the charter of any municipality." I make this motion because we have, or shall have, incorporated into the constitution provisions restricting the legislature as to all such matters as this, and it is not necessary that it should be incorporated into the constitution under two different heads.

Mr. POTTER. As a member of the committee I second the motion.

Mr. CHAIRMAN. There is already a proposition introduced that will restrict this matter, and in almost the same language as we have it here in this section. Of course there is no doubt that it should go in somewhere. I suppose the revision committee would have the right to strike it out from one place and put it in another, but it seems to me that we might just as well strike it out here.

Mr. BURRITT. There is no question about the principle contained in the clause that is proposed to be stricken out, its being all right, and that it should be covered somewhere. Committee No. 12, in considering this clause, did not itself deem it important that it should go in there, assuming that it would be put in elsewhere in the clause restricting the legislature's passing certain laws of certain kinds. But lest it might be overlooked, or inadvertently left out, the committee thought it safer to have inserted here, and when it comes to the revision committee it will be stricken out in this place if it has been put in the other, and if it was not put in the other, and got in here, the committee on revision would have its attention brought to it if it was left out in the other place, and for that reason I am in favor of this clause standing for the present just where it is, the principle being all right.

Mr. CHAIRMAN. Any further remarks?

Mr. BROWN. Mr. Chairman, I agree entirely as to the matter of principle with the gentleman from Johnson, Mr. Burritt, but I do not agree with him as to the propriety of leaving it here. I think it was well for the committee to report it just as they did, because, as the gentleman said, it reminds the convention of the necessity for such a provision, but under the general head of restrictions on the legislature the same proposition is covered, and must be covered, and is in its proper place. I doubt very much whether it lies in the power of the committee on revision to strike out portions of any matter that has been ordered incorporated into the constitution. The powers of that committee are not defined by our rules, and it may be that the house can give them such power, but as it stands now, it does not seem to me that they have the power to strike out any portions of the matter ordered into the constitution by the convention. They have simply the power to change the wording, orthe language of different parts of the constitution so as to make them consistent. Of course, if the convention should order the same thing into the constitution twice, it is possible that they might have the power to strike it out, but as the committee of the whole has charge of it now, why not prune it as we go along?

Mr. SMITH. In file No. 30, section one, we have the same provision among the printed matter that we have here. The objection to strike out in this case for the reasons given by the gentleman from Johnson county would have no necessary application here, and it seems to me that the smaller we can cut the record down before we get to closing up finally, the more we prune it, it would be that much less work and less printing in the end, and it seems to me that it would be much better to cull as we go along, if we can do it. The less mass of material we have to work on the better.

Mr. CAMPBELL. I believe in the principle of never putting off until to-morrow what we can do to-day, although I never practice it. There seems to be no division of sentiment but what the proposition should be put into the constitution somewhere. Now, as a member of the committee on revision, I think we would have the right when we come to revise the different portions adopted by the convention to be put into the constitution; we would have the right to strike them out and arrange them in their proper place. I think the convention should declare what matters should be put into the constitution, but I think the question as to where they should be put should be left to the committee on revision, when it revises it.

Mr. HOYT. It appears to me that the necessity for such a provision as this has been so fully advertised this afternoon, that it will hardly be possible for it to escape the attention of the revision committee, and I believe with the gentleman from Albany that we had better strike it out from its place here, leaving it to be incorporated in the more general provision.

Mr. CHAIRMAN. Any further remarks? I suppose it is hardly necessary, but I will state that the botion is to amend section 1, by striking out all after the word "class" in the fifth line of section one. All in favor of the motion will please say aye; contrary, no. The chair is undecided. All in favor of the motion will please rise to their feet—16. Those opposed to the amendment will please rise—9. Sixteen yeas and nine noes. The motion prevails. The secretary will read the next section.

Sec. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be incorporated, such consent to be ascertained according to law.

CHAIR. Is there any alteration to section 2?

Mr. POTTER. It strikes me, at least upon the reading of this, that we can express the latter part of this section in a little clearer manner. In order to bring it before the committee, I move by inserting in place of the words "according to law," the words "in the manner, and under the regulations prescribed by law."

Mr. CAMPBELL. Second the motion.

Mr. CHAIRMAN. It is moved that the last three words of Sec. 2 be stricken out and in lieu thereof be inserted "in the manner and under such regulations as may be prescribed by law." Are you ready for the question? All in favor of the proposed amendment will say aye; those opposed no. The amendment has been adopted.

The secretary will read the next section.

Sec. 3. The legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts, so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law, nor shall money raised by taxation, loan or assessment for one purpose ever be diverted to another.

Mr. CHAIRMAN. Is there any amendment or alteration to Sec. 3?

Mr. PALMER. I desire to ask for a little information from some of these gentlemen who are better informed. Suppose a city or town should raise too much money—should have an unexpended balance in the treasury that was raised for a certain purpose. This law would seem to prevent them from ever applying it to any other use. I think it ought to be amended in some way so that money raised in this manner might be diverted to some other use.

Mr. BROWN. The gentleman is entirely right in his conception.

Mr. CHAIRMAN. There seems to be no amendment to Sec. 3. The clerk will read Sec. 4.

Sec. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the linmits of any municipal organization without the consent of its local authorities.

Mr. CHAIRMAN. Is there amendment or alteration to Sec. 4?

Mr. JOHNSTON. I have an amendment here which I would like to propose, not to Sec. 4, but as another section to be added to this file.

"Municipal corporations shall have the right to acquire water rights by prior appropriation to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain, for the purpose of acquiring from prior appropriators upon the payment of just compensation such water as may be necessary for the well being thereof and for domestic uses.

Mr. IRVINE. I would like to hear that resolution read by the clerk, as I could not hear Mr. Johnston very well.

Mr. BURRITT. I would like to ask that the gentleman from Albany, Mr. Brown, read that aloud.

Mr. BROWN. If there is no objection I will read it.

(Brown re-read Johnston's amendment.

Mr. BROWN. I move to amend the proposed section by striking out the folowing words in the third line: "from prior appropriators." Also to strike out the words "for the" in the last line. The reason for striking out the words "from prior appropriators" would be apparent. A city or town might desire to acquire water for its uses and purposes otherwise than from prior appropriators, and if these words are stricken out it will leave it for them to acquire it in any way they can. The whole section seems to me a little awkward.

Mr. JOHNSTON. The section was gotten up with the idea of adding it to another bill, and was very hastily written. The idea of putting in the words "from prior appropriators" was this: We all know that the city of Denver has confiscated the right of using the waters of the South Platte river from prior appropriators, without paying them any compensation therefor. I think that the states ought to have the right to appropriate water not already appropriated, but I think that we ought to recognize the right of prior appropriators, and if the state wants the water already appropriated let it pay for the same. That was the reason for the insertion of these words.

Mr. BROWN. I am not particularly impressed with the motion that I made, but it was the first that occurred to me upon reading that section. The section will not, in my judgment, as offered, or in the shape it will be if my motion prevails, meet the object that is intended I think by it. It should be revised in other ways. I doubt very much whether a municipal corporation could acquire the right to water by appropriation, unless expressly so authorized by this constitution. Private individuals and private corporations are authorized by law and may be by a general incorporation act to acquire rights of this kind, but I doubt whether municipal corporations could acquire water by appropriation unless authorized so to do by the constitution, either in connection with this matter, or by the prposed act on irrigation. If they can acquire water by appropriation, then this section as proposed would meet the necessities of the situation, if they cannot, it won't meet it.

Mr. BAXTER. I would like to inquire if Rule No. 4 applies while sitting in committee of the whole. If it does I move that it be suspended.

Mr. RUSSELL. Second the motion.

Mr. CHAIRMAN. The chair understands that the committee of the whole cannot suspend a rule of the convention.

Mr. BURRITT. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I move that this committee rise and ask leave to sit again.

Mr. CHAIRMAN. Is there a second to the motion?

Mr. BROWN. Does the gentleman from Laramie, Mr. Johnson, withdraw the offered section?

Mr. JOHNSTON. With the permission of my second I withdraw the proposed Sec. 5.

Mr. BROWN. I now wish to offer one in place of it, a part of which is that offered by the gentleman from Laramie, Mr. Johnston.

"Municipal corporations shall have the same right as individuals to acquire water rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain, for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof, and for domestic uses.

Mr. JOHNSTON. I move the adoption of Sec. 5.

Mr. SMITH. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the section as read by the gentleman from Albany, Mr. Brown, be adopted. Are you ready for the question? All in favor of adopting Sec. 5 please say aye; contrary no. Sec. 5 is adopted.

Mr. SMITH. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Carbon, Mr. Smith.

Mr. SMITH. On looking over Sec. 3, though we have passed it, it strikes me that it is a little awkward yet. I would therefore offer an amendment to that section by addition "except in the event that the money so raised shall not be required or used for the purpose for which the same is raised." Anything of that sort would be likely to put a city or town in a position where, if there was any balance left over, they would have no way of diverting it to any other purpose. With this amendment any money raised for one purpose could be diverted to another, in the event that the money so raised shall not be required or needed for the purpose for which the same was raised.

Mr. PALMER. Second the motion.

Mr. POTTER. I was going to move an amendment to the amendment, and say that the addition be this, "except by authority of law."

Mr. CHAIRMAN. Is there a second to the motion?

Mr. HARVEY. Second the motion.

Mr. POTTER. The reason of that amendment, although I am not wedded to it by any means, is this: that it would leave the matter where the legislature could provide properly this same thing, or make even greater restrictions than this upon the matter. I think it covers the whole scope of the former amendment, and puts it in less words.

Mr. SMITH. I would ask the gentleman if he means that as a substitute for the amendment. If he does that amendment would simply let the gate down and make the entire section void, and open the gate where it is intended to close it up.

Mr. PALMER. I don't think that the substitute for the substitute exactly covers the point, for there is not anything mandatory in this. There is nothing in it to compel the legislature to enact such a law. While that which was proposed and urged by Mr. Smith, if in the constitution there would be no necessity for future legislation on the subject. As it stands, or will stand with the proposed substitute of the substitute, we will have no authority in it compelling the legislature to make such an enactment. I am therefore in favor of leaving it as urged by Mr. Smith.

Mr. CHAIRMAN. The question is upon the substitute of Mr. Potter to the amendment offered by Mr. Smith.

Mr. BURRITT. Do I understand that Mr. Potter offers that as a substitute?

Mr. POTTER. If there is no objection on the part of the committee I would be willing to withdraw that.

Mr. CHAIRMAN. Is there objection to Mr. Potter's withdrawing his substitute? The question is now on the amendment of Mr. Smith to Sec. 3.

Mr. FOX. I think that this section is better as it stands. It will prevent exhorbitant levies of taxes for any special purpose by municipal corporations, in excess of the amount needed, who might take advantage of this section by which they could squeeze a greater taxation out of the people, for another purpose. The plan of this amendment is not a good one, and I think the section just as it is will prevent all of these schemes, and therefore I am opposed to the amendment.

Mr. RINER. It seems to me that Mr. Smith's amendment is almost necessary to give this section the effect that is sought to be given it in the constitution. The restrictions upon the power of the legislature are advisable. I thing Mr. Smith's amendment is in exactly the form sought to be reached here as a matter of law. Suppose, for example, the city of Cheyenne wants to raise a certain tax for certain street improvements, before the work is begun. It is impossible to tell exactly how much is necessary for that purpose. True, we have our engineer's estimates, but they are not exact, they only approximate the amount, and the city goes ahead and makes the assessment necessary to raise the amount required. Now if the amount raised for that improvement, whatever it may be, should exceed the amount necessary for the construction of the improvement, then, under Mr. Smith's amendment, when the public work for which the tax is raised is completed, and after paying for such, there be found a balance arising from the tax levied for the purpose of raising the fund to complete this improvement, then the city would have the right, under this amendment, to divide up the balance and apply it to other municipal purposes. Now, it seems to me that this is right. Otherwise, the money must lie there unused, there being no provision for returning it to the parties from whom the tax was raised. Under this amendment, after the improvement for which the tax is levied is completed, if a balance exists, it provides a method whereby it may be put to a proper use, to other municipal uses, which it seems to me is proper.

Mr. SMITH. I have nothing to add to what the gentleman from Laramie has just said, but this. With the statute as it is, the legislature can make no provision by which that money can be applied to any other purpose, if there was a surplus. It ties it up there forever, with no way of ever getting it out. "Shall never be diverted to any other purpose," and unless some provision is made for an emergency of this kind now, our legislature would have no authority to pass a law authorizing a city to divert any unexpended balance on hand.

Mr. CAMPBELL. I don't understand as the gentleman from Carbon, Mr. Smith, does, that this money shall lie idle and nothing be done with it. Take for instance appropriations made for paying government officials of the United States. Congress provides that no part of this shall go to any other fund. Suppose a balance of ten thousand dollars is found at the end of the fiscal year. You don't mean to say that the money so raised for that purpose shall not go back into the treasury of the United States? It is the same here. You appropriate a certain amount of money, say for water works, twenty-five thousand dollars is raised, and only twenty thousand used. What becomes of the unexpended balance? Why, the five thousand dollars goes back into the city treasury, of course. Where else on God's earth should it go? There would be no difficulty about it at all; it would go back into the city treasury, and would be appropriated to some purpose.

Mr. POTTER. The mistake made by my colleague, Mr. Campbell, is this. This section three is not a restriction upon the appropriation of money already raised, but it is a restriction upon the raising of money. With congress it is simply the appropriation of money already raised. This says they shall not raise money except for a specified purpose, and after raised for that purpose, it cannot be diverted to any purpose, nor can the surplus be diverted to any other purpose, but the surplus must remain there idle forever, and the legislature cannot provide, and the state cannot provide to take it out. The treasurer would have use of it for all times. We must of necessity change this section in some way, or a hundred dollars, a thousand dollars which has been inadvertantly raised for a specific purpose, for a special matter that they could not get rid of, that they could not use under any circumstances for that purpose, must remain in the treasury, and the legislature could not authorize them to use it for any other purpose, as this section now stands.

Mr. BROWN. Will the secretary read the proposed amendment.

(Secretary re-read Smith's amendment.)

Mr. BROWN. I would suggest to the mover that three or four words unless "Necessary for the purpose raised," would cover all that was needed. A mere choice of language, that is all.

Mr. BURRITT. I think that a great deal of the trouble which exists in the minds of the members here who are favoring this amendment, arises from the fact that they have not carefully considered what taxation, loan and assessment mean when applied to municipal corporations. I requested that this matter might go over because I was not prepared to aid, to defend, as I would like to, this last clause of this section, nor do I care to enter minutely into the discussion of it now, but I think that that clause is all right just as it stands, and if the members will take the trouble to look up the words loan, taxation and assessment as applied to municipal corporations they will see that there is none of the rocks ahead of them that they seem to discover. If that section read, "nor shall money raised for one purpose ever be applied to any other," then it would certainly be subject to the criticism which the gentleman from Carbon, Mr. Smith, makes, but when it is qualified by the words assessment, taxation or loan, I believe that the objection is entirely removed. Now to make that complete, we require in its application a law of the legislature to be enacted under section one of this file. "The legislature shall provide by general laws for the organization and classification of municipal corporations," etc. Leave this to the legislature, and I am sure that the act could be so framed, and the language of that act would be such that no conflict, or any difficulty of this kind could possibly happen. I would ask the gentlemen of the convention what the exact meaning of the words assessment, loan and taxation is, as applied to municipal corporations. An assessment as applied to a municipal corporation is a special tax levied against a special and specific piece of property. In other words, it is a sidewalk tax, a paving tax, and it is never assessed until the exact amount of it is known to a penny, and then it is assessed against the above property. A loan carries with it the assumption of a debt to be provided for, and is intended to cover the funding of a city's indebtedness. Taxation as generally applied to municipal corporations is a tax to be levied generally upon all the property of the city, for specified purposes, specified in the ordinance levying the tax, and prescribed by the general charter of the city. That is so much for the city fund; so much for the general fund, and so on. Now, I take it, Mr. Chairman, that because the city raises a hundred dollars more for the city fund in one year than is needed for that fiscal year, that the necessity for future expenditures in the city will not thereby be stopped. I have gone far enough to give the committee, so far as I am able, without being prepared, the idea of the committee incorporating this section into this file. In brief it is to shut the door against the possibility of the legislature allowing, or a municipal corporation performing, the feat of beating the devil around the stump by raising money that their charter did not allow them to raise for one gested by the gentleman from Carbon, Mr. Smith, is allowed, then we have at least let down one bar to its provisions, and I am afraid, although I am not prepared to say so absolutely, that the entire gate would be left open, and the provision might just as well be stricken from the bill.

Mr. RINER. I move I be allowed another word. Take Mr. Burritt's proposition as to a special assessment. In the city of Cheyenne we have under our charter the right to levy special assessments upon property, according to the city valuation, for raising money for the purpose of constructing sewers. A sewer is to be constructed on Eighteenth street past my residence, a special assessment is made, and my property is assessed $200 for the improvement. Now, if it should be found that the special tax which I am required to pay should overrun the cost of the sewer, then under this section the city could only put that surplus to the construction of sewers elsewhere, and allow the parties upon the other street to escape their just proportion of taxation. I want this section in some shape so that it goes back to the general fund, and benefits me as well as other people. If the section is left in the shape it is in now the special tax raised for the construction of sewers could only be used for the purpose of constructing sewers. I am not interested in the sewer question except in so much as the sewer passes my property, and I am subjected to a special tax for that purpose. Now, suppose that the levy made upon me is $200, and sewers should cost but $175; there is a surplus of $25. According to this section that could only be used for the construction of sewers in some other part of the town. The purpose as I understand it of the amendment is that that money shall go back into the treasury and be used in the general fund, so that I with every other citizen of the town will get the benefit of it, and not in the construction of sewers for somebody else, but in carrying on the municipal affairs of the city, in which every citizen is interested. If it is to be only used for the construction of sewers somebody gets the benefit of my $25. Now the city cannot, even on the engineer's estimates, make the levy accurately. Sometimes it is high and sometimes it is low. While usually correct, it sometimes happens that the levy is too high, has exceeded the cost of the sewer a few dollars. Now, as I understand it, the purpose of this amendment is that when the sewer is completed and paid for, if there be a surplus, as has been the experience here, then the city may divide up the same for general municipal expenses, and not devote it to the building of sewers for other parties.

Mr. BURRITT. Will the gentleman from Laramie just answer one question? Is it the practice in Cheyenne to levy a tax for the construction of a sewer before the work is completed?

Mr. RINER. Yes, on the engineer's estimates.

Mr. BURRITT. A very bad practice then.

Mr. RINER. We have to pay for our materials.

Mr. BROWN. I would like to ask Mr. Riner a question. If the city levy an assessment for the construction of a sewer abutting his property, and he is assessed $200 , and the cost of this sewer is only $175, I would like to ask if he is willing that the $25 should go into the general fund, and thereby he pay a tax of $25 more than the man who lives on the next street pays on the same amount of property?

Mr. RINER. That question is very easily explained. When it comes to the general tax, it cuts down the levy for the next year. I certainly would rather it would go there than to some other section of the city for the construction of a sewer for somebody else, from which I would derive no benefit. By this over assessment going back into the general fund it increases that fund just that much, and it will not be necessary to make the levy so high the next time, and I benefit by that the same as every other citizen. Whereas, if it is to be used for the construction of sewers, it is not going to benefit me one whit, except the sewer that passes my house, and somebody else on some other street gets the benefit and his assessment is made that much lower.

Mr. POTTER. I think this is a very important matter, and I think should receive careful attention. I am not sure that the amendment strikes at the root of the matter, but that there should be a change here in some way should be apparent The argument made by Mr. Burritt is very plausible, but I would like to make one suggestion in that same connection. We raise here in Cheyenne by taxation money with which to pay the interest upon our water and sewerage bonds, and to pay some of the principal, each year. We know how much we must pay each year. We know how much we must pay each year, so that after the assessment is made and the total assessment is learned, then the tax is levied for a certain number of mills on the dollar, that will, by computation, raise the amount of money required to pay the bonds and interest during the year. Now then the time will come, the time has already come, in the history of this city, when some of these bonds that have been issued will be due, the last of the issue becomes due in 1892. Never after that year will any tax have to be raised, or can any tax be raised, for the purpose of paying these bonds. This much of the city's authority ceases absolutely. Now then, no one yet, I believe, has ever lived to see, and of couse it is absurd to say that we can arrive accurately at the exact amount that will be raised from a levy of taxes. Some taxes will become delinquent, some taxes will never be collected, there may be some rebate, there may be some recovered back from the city as being illegally collected. Now then take the year when the last of the issue of bonds that were issued become due, say the one sixth or the one-tenth, whatever it may be, say $30,000 of the principal, in addition to the interest. Now then the city council orders an assessment to be levied so that they pay this $30,000 principal, and the interest on the unpaid bonds. Now then a tax of a certain number of mills upon that assessment will raise that money. But suppose for some reason or other the tax is not all collected, and the levy is not large enough to raise that amount. You have got to pay those bonds, and must pay it from that levy alone, but how on earth are you going to do it? You must change this provision in some way, and I think you will all agree with me that some provision should be made by which the excess in any one fund can be diverted by legislative authority or in some other way.

Mr. BURRITT. As the chairman of the committee having in charge this file, I trust the convention will bear with me just a moment while I make this statement, that it seems to me that these arguments presented by the gentlemen here on my left, Mr. Potter, only go to show that this is not a bad bill but that Cheyenne has got a pretty bad charter, and some bad practices in the way of levying and collecting taxes. If assessments are levied for the building of sewers and sidewalks before they are down, it is certainly a most extraordinary practice, nor do I imagine that my friend Mr. Riner would consent for a moment that $25 of his hard earned money should go into the general fund of the city. I venture to assert that he would have in a bill against the city for the return of his money, and that if the city did not see fit to return it he would sue for it, and he would beat the city and get his money back with the costs, because the charter that allows any such proceeding as that, that allows a tax to be levied specially, on a special assessment, for an improvement past Mr. Riner's property, to exceed the amount required, is illegal. It is an illegal assessment, it cannot be collected, and if Mr. Riner pays it, he certainly has the right to recover it back. As I understand the object of this convention, we are to frame a constitution without any reference to the faulty and erring legislation of the past, but with reference to the perfect, complete and equitable legislation of the future, and if we are to take for an example, or to be guided by what is, or is not desirable in this matter let us but look at charters that have been granted to cities by past legislatures of the territory of Wyoming, and finish the work out by incorporating into the constitution so much of the provisions of the revised statutes of Wyoming as refer to the municipal charters already granted. Mr. Chairman, we are here to frame a constitution not with reference to the weakness of the past, tub the perfection that is desired in the future, and I think that a consideration of the last clause of this section, taken in connection with the bill that is presumed to be passed, to have been passed by the legislature, in Sec. 1 of this act obviate all of the difficulties, which I frankly confess, under the existing state of affairs, unfortunately exist in the city of Cheyenne.

Mr. CHAIRMAN. Any further remarks?

Mr. BROWN. I have listened with a great deal of interest to the remarks made by the several gentlemen who have discussed this question, and I am to some degree persuaded both ways. There is a good deal of force in all of the several positions taken. I realize fully the importance of the suggestions made by the gentleman from Albany, Mr. Fox, because of the experience we have had in our own county. I remember several instances where assessments have been made in the county to pay for, for instance, a judgment against the county. The law requires a special assessment for that purpose. Now, our county commissioners under such circumstances have levied a tax not only sufficient to pay off and discharge the judgment, but have left in the treasury a surplus of from several hundred to several thousand dollars. Of course this money has been honestly expended, and expended in the payment of the debts of the county, but this proposed restriction is to restrict the action of city trustees in just such matters as this. They should not be tempted because of the looseness of the law to levy a larger tax than is actually necessary for the purpose named. Now, I believe by proper legislation, this clause can be enforced and no harm done to cities or municipal corporations. If the suggestion made by Mr. Potter is a correct proposition, certainly then there would be money lying in the treasury that could not be diverted to any other use, and I desire to call the attention of the gentleman from Johnson to the construction placed upon this clause as argued by himself.

Mr. POTTER. Take the case of a city being compelled to levy a tax to pay a judgment. Do you think that any body of men, even in this enlightened day, could levy such a tax as to raise the exact dollar of the judgment upon any assessed valuation, and collect it? I myself do not think we have reached that stage of enlightenment yet.

Mr. BROWN. I am afraid to say, in answer to the gentleman from Laramie, Mr. Potter, that this could not be done, there is no doubt about it at all, but the question is would we, by the restrictions of this section if amended, be in the position that if there was a surplus it could not be diverted and applied to the payment of any other debt. The object of the tax is to pay a debt. Is it to be supposed that because we have stated in our assessment no- supposed that because we have stated in our assessment notice that this tax is to pay a certain loan or judgment, or some other form of indebtedness, that the surplus cannot be used to discharge any indebtedness other than the particular one named?

Mr. POTTER. That is what it says.

Mr. BROWN. Is that the construction the section must necessarily have? If it is, I agree with the gentleman from Laramie that it should be changed. The only matter of any importance is as to the proper constructions of the section. I doubt very much whether a court would construe it as indicated by that gentleman. When a tax is levied for the purpose of paying a bonded indebtedness, it is a single form of indebtedness, but there are other debts that might be paid by the surplus if there was any. It seems to me if the section is to have the strict construction indicated by the gentleman from Laramie, it must be amended, or that money must remain forever idle in the treasury; there is no way to get it out. The only question is as to the construction.

Mr. SMITH. There has been so much talk about this matter that I shall not take up the time, but I desire to call attention to one or two questions, or matters. The first is that the rule of construction in the application of laws is a strict one; we don't get liberal construction in applying laws. The second point is that thus far the debate has been principally on the levying of assessments and the collection of taxes. But this section also provides for the borrowing of money. Now, suppose a town wants to build water works, or sewers, and has to borrow the money, say two hundred thousand, or a hundred thousand, according to the size of the town, for that purpose. It is done on an estimate, and you must borrow enough to pay for it because there will be no other means of paying for it. Now suppose you borrow too much, and there is a surplus. What are you going to do with it? If you are enacting a state law, or a general law, it would be a different thing, but here you are putting a fundamental law into a charter by which you establish a state, and in that you provide that no money borrowed for one purpose shall ever be diverted to any other; that being the case there can be no getting around it. It is true if the law was indefinite, the courts might construe it differently, but here the language is too plain, too clear to put any other meaning into it. I don't care whether you adopt the language of my amendment or not, that is of little importance, but you must amend it in some way.

Mr. CHAIRMAN. Any further remarks? Any suggestions to further amend? The question is on the proposed amendment to section 3. All in favor of the motion will say aye; those opposed, no. The chair is undecided. All in favor of the amendment will please rise and stand until counted. 13 in the affirmative. Those opposed will please rise and stand until counted—12. The motion is carried, and the section is amended. The secretary will read the next section.

Sec. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

Mr. CHAIRMAN. Any amendments to section 4, of the printed bill. The chair hears none. The section stands approved.

Mr. POTTER. I move when this committee arise they report back file No. 58 to the convention, with the recommendation that it be adopted in the constitution as amended.

Mr. SMITH. Second the motion.

Mr. CHAIRMAN. Gentleman, you have heard the motion that when this committee arise they report back file No. 58, as amended, with the recommendation that it be adopted in the constitution. Are you ready for the question. All in favor of the motion will say aye; those opposed, no. The ayes have it, the motion prevails. Gentlemen, the next thing to come before the committee is file No. 57, reported by committee No. 12.

Mr. BURRITT. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I move that this committee do now rise and report. The reason I do this is that the report of committee No. 12 covers an important matter, and should be printed for the information of the committee.

Mr. TESCHEMACHER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that this committee do now rise and report. All in favor of the motion will say aye; those opposed, no. The ayes have it, the committee will now rise and report.

Report of the committee ofthe whole.

Mr. President:— Your committee of the whole having had under consideration file No. 58, report the same back to the convention with the recommendation that it be adopted as a part of the constitution as amended.

C. P. ORGAN, Chairman.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. POTTER. If a motion is necessary, Mr. President, I move that the report be received and placed upon the general file for consideration at the proper time.

Mr. PRESIDENT. The convention will perceive that these propositions to be incorporated into the constitution as they stand now amended ought to be engrossed it seems to me before they are finally passed. It seems to me they ought to be put in shape before they are passed upon finally. We have no engrossing clerk, or any provision for having such work done. I just wish to call the attention of the convention to this matter, so they may take such action as may be necessary. As the matter stands now, it will have to go to the revision committee. Is there a second to the motion of the gentleman from Laramie, Mr. Potter.

Mr. JOHNSTON. Second the motion.

Mr. PRESIDENT. The question to be presented to the convention now is upon the passage of this resolution that was considered by the committee of the whole and reported back with the recommendation that it be adopted. The resolution adopting the constitution of the United States. The question before the convention is on the adoption of that resolution. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the constitution of the United States stands adopted.

Mr. RINER. I rise for information, because I am not familiar with the rules. It seems to me, however, that matters which are finally passed for incorporation into the constitution should certainly be passed upon by a call of the roll, that we may know who votes, and how they voted. I don't know whether the rules provide for that, but I think it should certainly be done.

Mr. PRESIDENT. Rule 49 provides for this. After being reported the propositions with the amendments thereto by the committee of the whole shall be immediately taken up for consideration, unless it shall be otherwise ordered by the convention, and again be subject to discussion or amendment before the question to engross for final reading shall be taken. Rule 52 also provides that when such propositions shall have been considered in committee of the whole and amendments thereto have been disposed of by the convention, question shall be on ordering the final reading and fixing the time thereof. The question before the house at this time, it seems to the chair, would properly come under Rule 25, for fixing the time of the final reading. The chair will state that he understands the gentleman from Laramie, Mr. Riner, to raise the question as to the proper way of adoption of the resolution relating to the adoption of the constitution of the United States. The chair is of the opinion that this is not a matter to be incorporated into the constitution, but is in the nature of a resolution adopted by this convention, as a part of its proceedings. The only doubt which exists in the mind of the chair is as to whether the vote on this resolution was properly taken under the rules. Rule 55 provides that the final vote agreeing to each proposition and upon agreeing to the instrument as a whole shall be taken by the yeas and nays, but this does not refer to the passage of resolutions such as we have just passed, but if it is the wish of the convention to vote upon the resolution by ayes and nays, it can be done, but the rules do not seem to require it so far as I can see.

Mr. RINER. I can see that the rules do not seem to require it, but it seems to me that the final action upon all these matters should be in the same manner as on propositions to go into the constitution, and that the roll should be called as to all matters when they are finally acted upon. That would be the better method of proceeding, although I can see nothing in the rules requiring it.

Mr. POTTER. I think we ought to take the yeas and nays upon this, especially as it is one of the requirements of congress that we do adopt the constitution of the United States.

Mr. PRESIDENT. If that is the sense of the convention, and it seems to be, the yeas and nays will be called on the proposition to adopt the constitution of the United States.

The secretary will read the resolution.

(Resolution re-read.)

Mr. PRESIDENT. Gentlemen, you have heard the final reading of the resolution, the question is now upon its adoption. So many as favor the adoption of the resolution will say aye, as their names are called; those opposed will say no. The secretary will call the roll.

(See journal page 48.)

Mr. PRESIDENT. Gentlemen of the convention, the resolution adopting the constitution of the United States has been passed by the following vote: Ayes, 45; noes, none; absent, 9.

Mr. FOX. Would it be in order to make the motion that those who are absent can attach their vote to this question when they appear?

Mr. PRESIDENT. They cannot have their votes attached. Unless they are here and vote when their names are called they have no vote.

Mr. FOX. My idea was to have the vote of every member upon this question.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I move that the further consideration of File No. 58 be postponed until tomorrow.

Mr. ORGAN. Second the motion.

Mr. PRESIDENT. Gentlemen, the question is upon postponing further action on File No.58 until tomorrow.

All in favor of the motion will say aye; those opposed no. The ayes have it; further consideration of File No. 58 is postponed until tomorrow.

Mr. JEFFREY. Mr. President, I ask the unanimous consent of the convention to present at this time the report of Committee No. 5, reporting matter which they desire to have printed.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Jeffrey, asks unanimous consent to present a report at this time. Is there objection? The chair hears none; the gentleman will present his report. The secretary will read the report of Committee No. 5.

(See journal page 49.)

Mr. PRESIDENT. The clerk will read the substitute.

Mr. BURRITT. I see no reason why this should be read to the convention. I move it be referred to the printing committee and ordered printed.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. The chair would call the attention of the gentlemen to Rule No. 51. "All reports of the committees containing matter to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention, such matters to be incorporated shall be laid upon the table, and (when so ordered) be printed." This seems to be the matter that is introduced by the committee, as I understand it, for full reading at this time. Of course, it can be disposed of otherwise, by the action of the convention. Is there objection to the reading being dispensed with at this time? The chair hears none. The question will then be upon the motion of the gentleman from Johnson, Mr. Burritt, to print. All in favor of the motion will say aye; those opposed no; the ayes have it; the motion to print prevails. Are there any further reports?

Mr. PALMER. I have a report of Committee No. 18.

Mr. PRESIDENT. Does the gentleman wish it read at this time?

Mr. PALMER. I do not, but move that it be rerfered to the printing committee.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. The motion is to print the report of Committeemittee No. 18. All in favor of the motion will say aye; those opposed no. The ayes have it; the report will be printed.

Mr. ORGAN. I move that we now adjourn until 10 o'clock tomorrow morning.

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we now adjourn until 10 o'clock to-morrow morning. All in favor of the motion will say aye; those opposed no. The ayes have it; the convention will now adjourn.

TENTH DAY.

Morning Session.

Thursday, Sept. 12, 1889.

Convention reassembled at 10 o'clock.

President Brown in the chair.

Mr. PRESIDENT. The convention will please come to order.

Prayer.

Mr. PRESIDENT. The secretary will please call the roll.

SECRETADRY. Thirty-nine members present, Mr. President.

Mr. MORGAN. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Morgan.

Mr. MORGAN. I wish to ask that the committee on legislative department be permitted to sit during the day, to finish up important business.

Mr. BURRITT. I object.

Mr. PRESIDENT. Leave can be granted by vote of the convention, but I suggest to the gentleman from Laramie that such motion be not presented until after the reading of the record, which will not take a moment. There might be some suggestions or corrections to be made by the gentlemen who would be absent in the committee. The secretary will read the journal.

(Reading of journal of ninth day.)

Mr. PRESIDENT. Are there any corrections to be made in the journal?

Mr. CONAWAY. There was a proposition introduced by Mr. Frank, in regard to the suffrage question—I have forgotten the number of the file. The record was read showing it was referred to Committee No. 7, which I think is a mistake. I think it should be No. 5.

Mr. PRESIDENT. Are there any further corrections to be suggested? The chair hears none and the record stands approved.

Mr. RINER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Riner.

Mr. RINER. I would like very much to get a meeting of Committee No. 3, and I am informed that Mr. Moore of Crook county will not be here. If my information in regard to that matter is correct, I would like to have his place filled on Committee No. 3 by some member from that county who is present.

Mr. PRESIDENT. Committee No. 3, executive department. The chairman will name as the representative from Crook county on that committee in the place of Mr. Moore, Mr. R. H. Scott. And also on Committee No. 2 in place of Mr. Moore, Mr. Meyer Frank, of Crook county.

Mr. FRANK. Mr. President.

Mr. PRESIDENT. The gentleman from Crook, Mr. Frank.

Mr. FRANK. I have just received a communication from Mr. Scott that he has been called away on important business, and wishes to be excused for ten days. Perhaps it would be well to put some one else on that committee in his place.

Mr. PRESIDENT. If Mr. Scott is not to be present the chair will name Mr. Richards in place of Mr. Scott on Committee No. 3.

Mr. SMITH. Mr. President.

Mr. PRESIDENT. The gentleman from Carbon, Mr. Smith.

Mr. SMITH. I asked the other day that this matter be deferred a few days. I see Mr. Davis is on Committee No. 3. If that committee wants to get to work it would perhaps be well to fill his place, as I have not yet heard a word as to when he will be down here.

Mr. PRESIDENT. The chair has held the place in which Mr. Davis' name was put on that committee as vacant. I have heard that he will be here in a day or two, and his services will be valuable when he comes, and unless desired by the convention I will not fill the place at this time. If the convention desires I will fill the committee at any time, when it is requested. Does the gentleman from Carbon, Mr. Smith, move that the place be filled?

Mr. SMITH. I do not care to.

Mr. BAXTER. Because of the continued absence of a majority of Committee No. 1 I think it might be well to make some substitutes on that committee, or to add a few names to the committee in order that we might have a quorum.

Mr. PRESIDENT. I will say to the gentleman from Laramie that I think there is no doubt as to the correctness of the information that I have received in regard to the members of his committee. Mr. Clark will be here by 10 o'clock, or as soon as the train comes in, and it is expected that Col. Downey will be here in a day or two. Mr. Hopkins stated when he left that he would be back on to-morrow's train, so that as the committee is now constituted, a large majority of its members will be present within the next twenty-four hours. Is it the desire of the convention that there be new members added to the committee? It can be done at any time.

The gentleman from Laramie, Mr. Morgan, made a motion a little while ago that committee No.2 be excused during the sitting of the convention to-day. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The noes seem to have it. The noes have it, the convention refuses to excuse committee No. 2 during the session.

Mr. POTTER. Mr. Organ desired me to ask the convention to excuse him from its session to-day, as he was called out of town on important business, and will not return until this evening.

Mr. PRESIDENT. Is there objection to Mr. Organ's being excused for the day? The chair hears no objection, and the record will show that he is so excused. It is so ordered, Mr. Secretary.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I think the fact developed in our work yesterday that we have reached a point where the services of an enrolling and engrossing clerk should be secured. and I desire to ask if the chair will entertain a motion for the creation of that office?

Mr. PRESIDENT. It is a matter entirely under the control of the convention. They can create such offices as they please. The report of the committee on rules provided for certain officials. If additional officers are to be provided for, it would seem to change the present rules. The chair would suggest to the gentleman from Laramie that he give notice of a motion to amend the rules by creating an additional officer, and it can come up to-morrow for the action of the committee. Perhaps that will be in time for the necessary services of such person.

Mr. BAXTER. I will move that the rules be suspended in order that we may procoeed to-day.

Mr. SMITH. Second the motion.

CHAIR. It is moved that the rules be suspended and that we proceed to elect an enrolling and engrossing clerk. Are you ready for the question? All in favor of a suspension of the rules for the purpose named will say aye; those opposed, no. The ayes have it, the rules are suspended. The house may proceed to the election of an enrolling and engrossing clerk.

Mr. BAXTER. I move that an enrolling and engrossing clerk be elected by this body, whose compensation shall be the same as that of the two assistant secretaries, and dependent upon the same conditions.

Mr. SUTHERLAND. Second the motion.

Mr. PRESIDENT. It is moved that the convention now proceed to the election of an enrolling and engrossing clerk, upon the same terms and conditions that the various other officers of the convention are employed. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the motion prevails. How will you elect, gentlemen? I will appoint as tellers, Mr. Reed of Laramie, and Mr. Elliott of Johnson. The gentlemen will prepare the ballots and proceed to the election as ordered.

Mr. BAXTER. I desire to place in nomination the name of Mrs. Ollernshaw, and to say that it is hardly necessary to commend the lady to the Laramie county delegation who know her. I only wish to add, for the information of the other members of the convention, that the lady has been employed for some years in different capacities as a copyist, and that her qualifications for the position cannot be called into question. She is a very rapid writer, and writes an unusually clear and legible hand.

Mr. RINER. Second the motion.

CHAIR. Are there any further nominations?

Mr. FOX. I move that Mrs. Ollernshaw be declared elected without further action.

Mr. IRVINE. Second the motion.

Mr. PRESIDENT. It is moved and seconded that Mrs. Ollernshaw be declared elected by acclamation as enrolling and engrossing clerk of this convention. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, Mrs Ollernshaw stands elected.

The presentation of petitions, ad memorials, and the introduction of propositions and resolutions are now in order.

The secretary will read the propositions in the order presented.

SECRETARY. File No. 66, by Mr. Reid, concerning Chinese labor..

Chinese labor.

Sec. 1. That it shall be unlawful for any contractor, builder or architect to employ Chinese laborers upon any public works within the limits of the state of Wyoming.

Sec. 2. The legislative assembly shall by suitable legislation see that the provisions of the foregoing section are enforced.

Mr. PRESIDENT. Unless otherwise ordered by the convention, this File No. 66 will be referred to Committee No. 10, on labor, etc.

SECRETARY. File No. 67, ordinances, by Mr. Harvey.

Mr. PRESIDENT. File No. 67, unless otherwise ordered, will be referred to Committee No. 20, on ordinances. It is so referred, Mr. Secretary.

Gentlemen, File No. 58 is reported back to the convention by your committee of the whole with certain amendments recommended. The first is to amend Sec. 1 by striking out all after the word "class" in the fifth line. What will you do with this recommendation as reported by the committee of the whole?The question is upon the adoption of the recommendation reported. All in favor of the amendment recommended by the committee of the whole will say aye; those opposed no. The ayes have it; the section is so amended. Your committee of the whole also recommend to amend Sec. 2 by striking out the words "according to law" in the third line of said section, and inserting in lieu thereof the words "in the manner and under such regulations as may be prescribed by law." The question is on the amended section. Are you ready for the question? All in favor of the amendment as reported by the committee of the whole will say aye; those opposed no. The ayes have it; Sec. 2 is amended.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I move that we take a recess until 2:30 this afternoon.

Mr. POTER. Second the motion.

Mr. PRESIDENT. It is moved that the convention now take a recess until 2:30 this afternoon. The question is on taking a recess. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The noes have it. A recess is denied. The clerk will read the next section.

(Reading of Sec. 3.)

Mr. PRESIDENT. The committee of the whole recommend that Sec. 3 be amended by adding "except in the event that money so raised shall not be required or needed for the purpose for which the same was raised." The question is on the adoption of the proposed amendment as recommended by the committee.

Mr. POTTER. Would it be in order to move an amendment to that amendment?

Mr. PRESIDENT. The matter is before the convention for the adoption of the proposed amendment, refusal to adopt it, or to further amend the file.

Mr. POTTER. I move then that instead of the words recommend by the committee of the whole, that the section be amended by adding the words "except by authority of law."

Mr. HARVEY. Second the motion.

Mr. BURRITT. Mr. President.

Mr. PRESIDENT. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I wish to offer a further amendment. That in place of the amendment recommended by the committee that there be inserted here the words "unless it be a small unexpended balance unnecessary for the purpose for which the same was raised."

Mr. PRESIDENT. Does the gentleman move that as a substitute to the other amendment?

Mr. BURRITT. I do, Mr. President.

Mr. PRESIDENT. The committee of the whole recommend that Sec. 3 be amended by adding the words already read, "except in the event the money so raised shall not be required or needed for the purpose for which the same was raised." It is now moved by the gentleman from Laramie that the amendment proposed by the committee of the whole be amended by substituting the words "except by authority of law." The gentleman from Johnson, Mr. Burritt, moves a substitute for the substitute. The last motion cannot be entertained at this stage of the proceedings. The question will first come up, then on the substitute offered by the gentleman from Laramie, Mr. Potter, that the words "except by authority of law" be added, instead of the words reported by the committee of the whole. Are you ready for the question?

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. In view of the fact that this matter has been discussed almost entirely by the lawyer contingent of this body, it seems to me that it is time the laymen expressed their views on the subject. It seems to me that the provisions as returned by the committee is the one that we should adopt, and I am not inclined to sanction any of these amendments that are proposed, and for this reason. It is provided in the printed report, as we have it here, that no money raised for one purpose shall "ever be diverted to any other." That is the substance of the bill. That, of course, could not be so constructed as to provide that any excess raised in this way should not be returned to the parties who contributed this tax, or supplied the tax. If there should be any such surplus it would properly be the property of the people against whom the assessment was made, and should be returned to them, and I anticipate that there will be no legal difficulty in the way of securing that return, as it would be an illegal tax. It would be an illegal assessment because it exceeded in amount the sum necessary to carry out the purpose for which it was levied, and such surplus would, of course, have been illegally collected, and while there might be some trouble in returning to any large number of people such an excess as would be on hand in small amounts, it seems to me that it would be better to anticipate such an evil as this than to leave the doors open for any possible assessment that might be made two or three times greater than the amount required and levied for the purpose, with the idea of applying it to some other purpose, that is, the surplus on hand, and I think it would be better to shut the door right there, without any of those amendments, upon the ground that it is the lesser of two evils.

Mr. SMITH. Mr. President, I would like to ask the gentleman from Laramie a question. In the first place, I want to say that if the surplus was collected or received from the parties assessed it would be no illegal tax, if they were not forced to pay it. But that is not the question. This section provides for the borrowing of money for a specified purpose. Does the gentleman mean to say that if a surplus was left in the fund borrowed in that way, that it would be illegally received by the municipality?

Mr. BAXTER. I made that statement, having heard it arargued yesterday by the lawyers who were discussing this question. I don't know that it would be illegal in that case of a loan, but it should certainly be properly returned I think.

Mr. SMITH. I do not care to make any argument on that subject today at all, as it was fully discussed yesterday, but all I want to say now is to call the attention of the house to the substitute now before us. If you put in that "except as provided by law" you entirely take away the force of that section. You leave it to the legislature to say whether the surplus shall go to some other fund or be turned into the treasury. I don't pretend to say whether the amendment as placed here yesterday will reach the point desired or not but there should be something here which should be definite, and we should not depend upon the legislature to reach it.

Mr. CAMPBELL. I move the previous question.

Mr. REID. Second the motion.

Mr. PRESIDENT. The question now is shall the main question be put. All in favor that the main question now be put will say aye; those opposed no. The ayes have it; the motion prevails. The question is now upon the adoption of the substitute offered by the gentleman from Laramie, Mr. Potter. All in favor of the adoption of the substitute will say aye; those opposed no. The chair is in doubt. A division is called for. All those who favor the substitute will rise to their feet and stand until counted. Twenty-one. All those opposed to the substitute will rise and stand until counted. The chair counts fifteen opposed. The motion prevails; the substitute is adopted. The question is now shall the bill be amended in accordance with the terms of the substitute? All in favor of the motion will say aye; those opposed no. The ayes have it; the proposition is amended as proposed by the gentleman from Laramie, Mr. Potter.

(Reading of Sec. 5.)

Mr. PRESIDENT. The proposition originally presented is recommended to be amended by adding the following section, I will read it again for the information of the convention.

SECRETARY. Sec. 5, to be added as follows:

Municipal corporations shall have the same right as individuals to acquire water rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes and the legislature shall provide by law for the exercise on the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

Mr. PRESIDENT. The proposition originally presented is recommended to be amended by addition of the section just read. The question is now upon amending by adopting the section as read. Are you ready for the question? All in favor of the question will say aye; those opposed no. The ayes have it; the original proposition stands amended by adding Sec. 5.

Mr. BURRITT. I would like to ask if the proposition as a whole is subject to amendment.

Mr. PRESIDENT. The whole proposition is now before the convention for amendment or other disposition.

Mr. BURRITT. I move to strike out all of Sec. 3 after the words "specified by law" in the fifth line.

Mr. POTTER. Second the motion.

Mr. PRESIDENT. It is moved that Sec. 3 be amended by striking out all of said section after the words "as specified by law" in the fifth line of said section. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes seem to have it; a division is called for. All in favor of striking out will rise to their feet and stand until counted. The chair counts twenty-three. All opposed to striking out will stand. Five. The motion prevails. Are there any further amendments? Under our rules, without some action by the convention, this bill would now come up for final reading, Do you desire to have it referred for engrossment?

Mr. TESCHEMACHER. Do I understand that this bill is a part of the constitution?

Mr. PRESIDENT. It is to be.

Mr. PRESIDENT. Under our rules after the committee of the whole are done with it, and as it has been agreed to by the convention it is referred to the revision committee, and after that it is engrossed under their direction. That is the way I read these rules.

Mr. POTTER. I think it goes to the revision committee after we have adopted it.

Mr. PRESIDENT. The only question is whether it is not so mutilated in its present form that it could never be understood quite what was adopted by this convention. If it should be engrossed at this time and then adopted then it could go to the revision committee, and they would understand what has been adopted by the convention. In its present form there might be some doubt about it.

Mr. TESCHEMACHER. That is just the point, Mr. President. I don't see where the revision committee comes in. We might make some changes not intended by the convention at all. If the rules do not cover this I would like to suspend the rules so that these amended bills can be referred to the revision committee to take charge of the engrossment, and see that this bill is properly engrossed.

Mr. PRESIDENT. I will read the rule that controls this matter. "All reports of the committees containing matter to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention such matters to be incorporated shall be laid upon the table and (when so ordered) be printed, and when printed (if so ordered) shall be placed upon the calander to be considered in committee of the whole convention, and if not ordered printed they shall be placed upon the calander to be considered by the committee of the whole." This proposition has been considered in committee of the whole and reported back for action in the convention. According to the next rule, No. 52, "when such propositions shall have been considered in the committee of the whole and amendments thereto have been disposed of by the convention, the question shall be on ordering the final reading and fixing the time thereof."

Mr. POTTER. I move that this file be finally read, section by section, and each section submitted to the convention for final passage separately.

Mr. HARVEY. Second the motion.

Mr. PRESIDENT. On the final reading of a bill or proposition, it is the reading of the whole bill and not a section, and the vote must be taken on the whole bill by the ayes and noes.

Mr. POTTER. As this is the first time this question has come up, I say let us have it decided. I apprehend that every scetion of this constitution is a separate proposition. This is not like a bill before a legislative body at all. They dispose of the subject matter. This is entirely different. I may object to but one section in a bill. Do you mean to say that I am bound to vote down that whole article because I cannot support one section of it, when I may be in favor of all the rest of it. I take it not. I believe in a matter of this kind we have the right to vote upon it section by section, otherwise many of us will have to be absent, and not vote at all, or else will have to vote no.

Mr. PRESIDENT. The chair is of the opinion that when a proposition is reported by the committee of the whole, it stands as a whole proposition before the convention, and when finally read, for adoption, it is read as a whole, and must be voed on as a whole.

Mr. POTTER. I desire to take appeal from the decision of the chair.

Mr. PRESIDENT. An appeal is asked from the decision of the chair upon the point stated. All supporting the appeal from the decision of the chair will rise to their feet and stand until counted.

Mr. COFFEEN. Although I do not wish to appear immodest, or to intrude, I am of the opinion that the question should be shall the decision of the chair be sustained, taking the affirmative side of the question first.

Mr. PRESIDENT. The suggestion of the gentleman is correct. Shall the decision of the chair be sustained? All in favor of the ruling will rise to their feet ands tand until counted.—25. All opposed will rise and stand until counted. —8. The decision of the chair is sustained. Gentlemen, the motion of the gentleman from Laramie, Mr. Potter, is as to the final reading of the bill, and fixing the time for the same. The chair ruled the motion as made to read by section out of order. The question now is when will the final reading of the proposition be had?

Mr. RINER. I move that the proposition be now finally read and submitted to the convention for their final action, and that the roll be called.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the proposition be put upon its final reading. Are you ready for the question? All in favor of the motion will say aye.

Mr. FOX. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Fox.

Mr. FOX. I would like to ask a question for information. Provided this file is adopted as it stands, would it prevent the introduction and passage of another section at a future time, and if the revision committee could add it to this file?

Mr. PRESIDENT. The chair does not pass upon any matter of that kind.

Mr. FOX. It is my opinion this file can be passed, and become a part of the chapter on municipal corporations, and that other sections, if introduced and passed, could be added to this file, according to the judgment of the revision committee.

Mr. PRESIDENT. It is the impression of the chair that the passage of one proposition does not preclude the passage of another.

Mr. McCANDLISH. I would like to ask for information. In Rule 55, I find, "The final vote agreeing to each proposition and upon agreeing to the instrument as a whole shall be taken by the yeas and nays, and no such proposition shall be considered as agreed upon, nor the instrument as a whole except a majority of the delegates present vote therefor." Have we voted upon this separate proposition?

Mr. PRESIDENT. We are about to vote on a separate proposition the first time after the final reading.

Mr. COFFEEN. I would like to call attention to one point. We have proceeded with the consideration of these sections, and amended them, but I have heard no motion to adopt a single one of them as amended, and this rule that the gentleman has just read would indicate to my mind that we must adopt them as sections before we should proceed to the final reading and adoption as a whole.

Mr. PRESIDENT. Amedments have been adopted to the different sections, which have been from time to time before the convention for its consideration.

Mr. COFFEEN. But has a motion been carried this morning to adopt any one of these sections. They have been amended, but was there any motion to adopt the sections as amended? I think not.

Mr. PRESIDENT. The question is upon the final reading of the whole proposition as amended, and its final passage. Is there objection?

Mr. PALMER. I would like to ask for some information. I am in favor of all of this article except section 3, and object to only part of that. I want to know how I am able to vote for the article with that section in. I want to vote for it, but as it stands now, I would be unable to express my opinion on the matter.

Mr. PRESIDENT. The gentleman could have easily reached his objection. He had the right to amend by striking out any part of the bill when it was before the convention for amendment. There was no trouble in reaching that matter whatever. The gentleman made no motion to strike out the section, or to otherwise amend it. It was amended and the amendments stand as the action of the convention.

Mr. COFFEEN. I hope I may not appear to be too persistent, but I wish to read this section of the rules. Rule 55. "The final vote agreeing to the instrument as a whole shall be taken by the yeas and nays." Now let me argue on that "when agreed to as a whole." The rule says "when agreed to as a whole" shall be taken by the yeas and nays. I say we are not ready for that. I have not yet been able once during the whole debate to vote upon any of these sections. I have voted only on the amendments to the sections, but have not been called upon to agree to the proposition as amended, on single sections, and I therefore stand as the gentleman from Laramie, Mr. Potter, that we have the right to first cast our vote on these sections separately, and then upon the proposition as a whole.

Mr. CONAWAY. I consider this question all out of order, but I also ask the privilege of saying a few words out of order.

The question discussed by the gentleman from Sheridan, Mr. Coffeen, has, as I understand it, already been passed upon by the chair, and the decision of the chair appealed from, the difference of opinion being as to whether the word proposition means section, or whether a single proposition may include several sections. The chair has ruled that a proposition containing several sections, when reported back by the committee of the whole is one proposition. The convention sustained the decision of the chair when the appeal was made, and I therefore consider all the remarks since that decision were out of order, and shall raise that point of order against any further discussion of this matter.

Mr. PRESIDENT. The chair considered the whole matter settled by the convention, but I wish to state in answer to some suggestions that have been offered, that it is unquestionably the opinion of the chair that when the committee reports back a proposition to the convention, the whole matter reported is a single proposition, no matter how many sections may compose it. The matter referred to in the latter part of Rule 55 refers to the entire construction, and not to a proposition, nor to any portion thereof. We are to vote upon the whole constitution whenever it shall be drafted and presented to the convention, and the latter part of this rule applies to that and not to any portion of propositions reported by committees, either as an entirety or as a part. The secretary will read.

(Final reading of File No. 58.)

Mr. PRESIDENT. The question now before the convention is the adoption of File No. 58 as amended, to be adopted as a part of the constitution. All in favor of the proposition contained in File No. 58 as amended will say aye as their names are called; those opposed no.

Mr. MORGAN. I desire to ask for information. Is this proposition at this stage subject to amendment? I can see that it is because nobody would allow a proposition or bill to get out of their control entirely until final passage of it was had. There may be amendments which we may wish to offer to certain bills, and I think that when a bill is before the convention we still have the right up to the time the ayes and nays are called, we still have the right to amend that bill as we wish.

Mr. PRESIDENT. The chair is in doubt. It is the impression of the chair that after the final reading of a bill has been ordered, and when the vote is about to be taken on the final passage, by a call of the ayes and noes, that it has passed the point of amendment; but, as I say, I am in doubt about this, and leave it for the convention to dispose of at this time as they may think best.

Mr. RINER. I ask that the ayes and nays be called.

Mr. PRESIDENT. The ayes and nays have been ordered on the passage of this proposition. The clerk will call the roll.

(See journal page 51.)

Mr. PRESIDENT. Gentlemen, the vote on the proposition contained in File No. 58 is as follows: Ayes, 30; noes, 9; the proposition contained in File 58 has been adopted by the convention.

Mr. TESCHEMACHER. I give notice that having voted with the majority I shall move to reconsider the vote on this proposition; I believe it requires twenty-four hours notice.

Mr. IRVINE. Second the motion.

Mr. PRESIDENT. Rule 39 provides that a motion to reconsider must be made by a member voting with the prevailing side, and such motion to be in order must be made within the next day of actual session of the convention after such vote was taken, and the same shall take precedence of all motions except a motion to adjourn. Does the gentleman wish to move to consider it at this time?

Mr. TESCHEMACHER. I move to reconsider the vote now.

Mr. POTTER. I move that motion be laid on the table.

Mr. MORGAN. I move that the whole subject be indefinitely postponed. I do that because the motion to lie on the table is not debatable, and if it takes that shape we can then bring this matter up for discussion again if we see fit to do so.

Mr. PRESIDENT. There is one thing I was intending to speak of, and that is a motion to lay on the table carries the whole proposition with it, and if the mover of that insists upon his motion he must remember that he tables the whole proposition at the same time.

Mr. POTTER. I made that motion to save time, but as it does not seem to answer the purpose I withdraw it.

Mr. MORGAN. Then I will withdraw my motion to indefinitely postpone.

Mr. COFFEEN. A motion to consider shall have precedence of all other motions except to adjourn. I do not wish to take up the time of this convention, as we are already taking up too much time on account of the difficulties interposed by our different construction of the rules. I wish to say, however, that I am in favor of reconsideration for this reason. That I stand with some who have already expressed themselves and desire to amend this section.

Mr. CAMPBELL. I rise to a point of order.

Mr. PRESIDENT. What is the point of order?

Mr. CAMPBELL. A motion to reconsider is not debatable.

Mr. PRESIDENT. That is the opinion of the chair.

Mr. COFFEEN. Not debatable.

Mr. PRESIDENT. Yes. The question is on the reconsideration of the vote taken by which File No. 58 was passed. All in favor of the motion will say aye, as their names are called; those opposed no. The clerk will call the roll.

Mr. POTTER. I rise to a question of privilege. I wish to explain my vote. I voted with the majority for the adoption of this proposition, and I think the proposition as a whole is a good one, and I do not see myself the necessity for offering amendments, but I consider it important that we should get our propositions in such shape before final passage that they shall be satisfactory to all members of this convention desiring to vote for the general proposition, so I shall vote in favor of a reconsideration with a view of giving an opportunity for the perfection of this amendment to that extent, so that it will be satisfactory to all of the friends of the proposition.

Mr. PRESIDENT. For the benefit of the members the chair desires to explain. Whenever you vote for a proposition and the vote is in the affimative, you have adopted that proposition in the opinion of the chair. When it is incorporated into the constitution the constitution comes before the convention for their action. It may be amended, portions of it may be stricken out, or treated in any manner that you please. The adoption of this now is not the final disposition of it in the opinion of the chair. The clerk will proceed with the roll call.

(See journal page 51.)

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. It is probably out of order for me to appeal from the decision of the chair at this stage of the game in deciding that a motion to reconsider is not debatable. As I understand it when any matter is not covered by our rules then Cushing's Manual shall apply, and as this subject may come up again, I would like to read a section from the Manual on this question. "On a motion to reconsider the whole subject is as much open for debate as if not discussed at all, and if the motion prevails the subject is again opened for debate." I could not give my reasons for so voting, as the chair ruled that a motion to reconsider was not subject to debate.

Mr. PRESIDENT. Gentlemen, the vote on the motion to reconsider was as follows: Ayes, 18; noes, 21. The motion to reconsider is lost.

Mr. RINER. I move we take a recess until 2 o'clock.

Mr. POTTER. Before that is acted upon I would like to give a notice.

Mr. RINER. I will withdraw my motion, if it is a notice only.

Mr. POTTER. I give notice that on tomorrow I will move an amendment to Rule 55, by striking out the word proposition and inserting in lieu thereof the words section and article.

Mr. RINER. I now wish to renew my motion.

Mr. REID. Second the motion.

Mr. PRESIDENT. The question is now upon taking a recess until 2 o'clock. All in favor of the motion will say aye; those opposed no. The ayes have it; the convention will take a recess until 2 o'clock.

AFTERNOON SESSION.

Thursday afternoon, Sept. 12th.

Convention reassembled at 2 p. m.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Gentlemen of the convention: A resolution was finally passed yesterday adopting the constitution of the United States. There was no motion to dispose of it after it was passed, and the chair will refer it to the committee on revision, unless there is some other disposition ordered by this convention. It seems to me that all of these matters when once finally adopted should should be referred directly to the committee on revision. If there is any other disposition desired by the convention, the chair is ready to conform to any motion that may be made.

Mr. FOX. Would it not be well enough to have it engrossed and then referred to the revision committee?

Mr. PRESIDENT. Unless the convention otherwise order the file reported by the committee on ordinances, No. 20, adopting the constitution of the United States, will be referred to the committee on revision. As there is no other reference requested, it is so referred, Mr. Secretary. I would state to the convention that the proposition that was passed this morning contained a large number of amendments. The amendments that were adopted by the convention have been ordered written out by the engrossing clerk, as a matter of information to the committee on revision. The bill with the amendments and the engrossed copy will be referred to the committee on revision, unless otherwise ordered. Is there objection? The chair hears none, and it will be so referred.

Mr. HOYT. May I suggest that it seems to me that it would be proper that the revision committee, of which I am a member, would simply have the net result and not the details. If these propositions are referred to the revision committee with all the amendments, it might be confusing to the committee?

Mr. PRESIDENT. We have no rule upon that question, and if the convention will make some rule or order in reference to this matter of engrossing, the chair would be glad to have it do so.

Mr. TESCHEMACHER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I notice that one of the rules makes the revision committee an enrolling committee. I see no reason at all why we should not also act as an engrossing committee. As chairman of the revision committee, I am perfectly willing to undertake that work, provided the convention desires to have us attend to it. Rule 54, to which I referred, says that the constitution as a whole should be carefully enrolled under the supervision of the revision committee, and it seems to me that if we are to attend to the revision revision and enrollment of the different articles that we might as well look after the engrossment.

Mr. BURRITT. If the chair will allow me to make a suggestion. The committee on rules, when this rule 54 was under discussion, fully talked over this matter of engrossment, and it was agreed by that committee that the committee on revision would have to look after this matter of engrossment, and we did not appoint any engrossment committee for the reason that we had no funds to supply an engrossing committee with an engrossment clerk. But now that we have an engrossment clerk to do the work of enrolling and engrossment, it seems to me that it would be well to have it all done under the committee on revision for which the gentleman from Laramie, Mr. Teschemacher, speaks.

Mr. PRESIDENT. The chair will state that hereafter, whenever these propositions have passed, if there is no objection, they will be referred to the committee on revision as an engrossment and enrolling committee, and they will have entire charge of the matter. The chair will understand that all of these matters when finally passed are to go to this committee as fast as adopted.

Gentlemen, in this morning's session, a point of order was raised to a motion to reconsider being debatable. At the time the point was raised, it was the belief of the chair that our rules expressly provided that it should not be debatable, and refused to sustain the point of order. In so doing the chair did an injustice to the gentleman from Sheridan, Mr. Coffeen, and to the gentleman from Laramie, Mr. Teschemacher. The chair desires to apoligize for his failure to observe the rules, and askes the pardon of the gentlemen for any wrong committed. It was an error the chair committeed in the hurry of the moment.

There are several matters on the general file, for consideration in committee of the whole, and a motion to go into committee of the whole is now in order to consider the general file.

Mr. BURRITT. I move we now go into committee of the whole.

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. Gentlemen, it is moved that we do now go into committee of the whole for the consideration of the general file. All in favor of the motion will say aye; those opposed, no. The ayes have it; the motion prevails. I wish to say by way of explanation at this time, that file No. 57, the file concerning irrigation was reported back to the convention by the committee on irrigation, and as stated by the chairman of the committee, or one of the members of the committee at the time, it was not intended to be incorporated into the constitution in the form that it was reported back, but that it contained suggestions to be considered for that purpose. It has been placed on the general file and will go before the committee of the whole with that understanding and explanation. Will Mr. Smith of Carbon please take the chair?

Mr. CHAIRMAN. The first matter to be considered by the committee is file No. 57. The clerk will read.

Mr. BROWN. I move to amend section 1 by striking out the words "not heretofore appropriated," in the second line of said section, and by inserting in the third line in said section after the word "to," the words "prior or future." The section if amended in that form would read as follows: "The water of all natural streams, springs, lakes or other collection of still water, is hereby declared to be the property of the state, subject, however, to prior or future appropriations for beneficial uses."

CHAIR. Do I hear a second to the motion?

Mr. CHAPLIN. Second the motion.

CHAIR. Gentlemen, you have heard the amendment; is the committee ready for the question?

Mr. JOHNSTON. Will you please read that again as it should read?

CHAIR. With the amendment, it would read in this way: (Quoted above.)

Mr. BROWN. Mr. Chairman.

Mr. CHAIRMAN. The gentleman form Albany, Mr. Brown.

Mr. BROWN. I believe that we should declare unqualifiedly that the state, or the people of the state are the owners of all the waters in the state, whether they have been acquired by prior appropriation or otherwise. As this bill reads as originally presented, it leaves the people who have appropriated a portion of the water as the absolute owners of it, and the state will declare that they have no ownership whatever to any of the waters that have been heretofore appropriated. If they so declare, it would be utterly impossible for the legislature, or any power of the state, to control, regulate, or in any manner interfere with its use. It is only by the declaration that we are to be the absolute owners of all the water that we may be enabled to control unreservedly the uses to which it may be put.

Mr. CLARK. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Uinta, Mr. Clark.

Mr. CLARK. I would propose an amendment. I would vote in favor of the word "prior," but it seems to me that the idea of the mover would be equally carried out if the word "future" should be omitted, so that the sentence would read "subject, however, to prior appropriations for beneficial uses." I fail to see any signifigance in the words "future appropriation." If the water were the property of the state, the state could provide in whatever manner it chose for the future disposition of the rights to water.

Mr. CHAIRMAN. Do I understand you as making that as an amendment?

Mr. CLARK. I am making it as a suggestion to the mover of the amendment.

Mr. JOHNSTON. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Johnston.

Mr. JOHNSTON. I should like to read a little from the United States statute in regard to this matter. "Whenever by priority of appropriation the possessory rights to the use of water for mining, agricultural or other purposes have passed and accrued, and the same are recognized and acknowledged by local customs, laws and decisions of courts, the possessors and owners of said aforesaid rights shall be maintained and protected in the same, and the right of way for the construction of such ditches, or flumes, as may be necessary, is hereby acknowledged and confirmed." It would seem to me that this would confirm the rights to appropriations already made, and it was for this reason that this bill was worded in the manner that it was.

Mr. FOX. I think this amendment is offered for the reason that if the state claims this water, it should be subject to future appropriation, and I think it proper that it should go in there. I don't think it would be right to declare that all water belongs to the state, and not have it subject to future appropriations, and I think this amendment should go in there.

Mr. CHAIRMAN. Are there any further remarks? If not, the vote will be taken on the amendment as suggested by the gentleman from Albany, Mr. Brown. All in favor of the amendment as offered will say aye; those opposed no. The ayes have it; it is so amended. The clerk will read Sec. 2.

(Reading of Sec. 2.)

Mr. POTTER. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Potter.

Mr. POTTER. I desire to make a reference to this section, not so much for the reason that I am sure it is right, but to have it discussed. I desire to move that the word "springs" be stricken from the section. I would like to discuss that matter a little.

Mr. CHAIRMAN. The chair will state the motion so as to bring it before the committee. It has been moved and seconded that the word spring be stricken out.

Mr. POTTER. I don't know that the motion is right, but in order to get it before the committee I made the motion. It seems to me that as it now stands it includes a great variety of classes of water that we might not want to include. Would that include mineral or medicinal springs? For instance, I understand that there are some very valuable mineral springs in Carbon county, I don't know anything about them but I am informed that they are there, but would this term springs include them, such springs as them and other springs that do not get into flowing water courses at all. It seems to me that this is an important matter and we ought to consider it very carefully.

Mr. JOHNSTON. This is intended to cover water starting in the uplands. The court decisions have always ruled that springs that rise on river lands are the property of the owner of the lands until the water flows from and off the land.

Mr. CHAIRMAN. Any further remarks? If not, the question will be on the motion of the gentleman from Laramie, Mr. Potter, to strike out the word spring in the first line.

Mr. CONAWAY. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Sweetwater, Mr. Conaway.

Mr. CONAWAY. I should like to hear this matter further discussed before we take a vote on it, and I don't feel prepared at the present time to discuss it very intelligently myself. It has occured to me on what brief consideration I have given this section that we may be claiming more than we are rightly and legally entitled to. I suppose it is true, however, that we cannot lose anything by claiming too much. But I should like to hear the views of those who have given the matter more consideration than I have. There are some considerations, however, to which I will now call attention. It is a doctrine of common law, both in Europe and in this country, that the water naturally flowing upon the land is part and parcel of the land, and title to the land gives title to the water. The United States, as the owner of the public lands, is the owner of the water also, and will our claim as a state to the ownership of all this water not conflict with the rights of the United States and with the rights which settlers on those public lands may claim and may acquire in acquiring title to the land from the United States. Will not the adoption of this provision in our constitution necessitate the prosecution of two kinds of claims upon the part of settlers, one to obtain title to the land and the other to obtain title to the water, and his would apply more forcibly to springs than to running streams upon the land. The rights of riparian proprietors at common law is as familiar as common law itself. The question has been fully discussed and decisions reached by the courts of the different states that the right of a riparian proprietor in running water is at common law that the water should run over his land undisturbed in quantity and unadulterated in quality by any claimant above him upon the stream, and as the United States is the riparian proprietor of the waters upon the public lands, I doubt very much the propriety of changing the rule that when anyone acquires title to the land upon which a spring rises he also acquires by that very fact the spring itself. The spring goes with the land. It always did belong to it, and always will, and do we desire to change that rule? If we think best to do it. I am not prepared to say it is not best to do so. That we have a right to do it I am not prepared to say, and I should like to hear this matter discussed so we may reflect upon it, and act more intelligently upon it than I feel preparaed to act myself at the present time. I should like to have those who have given the matter consideration to say whether we have the right to make this claim to the waters of all natural streams, lakes, springs, etc., within the borders of our proposed state, and whether if we do make the claim we are not claiming something which does not belong to us, and whether the claim will be valid.

Mr. JOHNSTON. I believe it has been conceded, I know it has, that the states should have the control of the water of the state. If they have control of the waters, why not the source of supply? The question will arise where shall we make this division for the water that lies on the public lands. We will concede that springs on lands that have been taken up and become the property of private holders belong to them, but if the water of the spring has been already appropriated to beneficial uses before the land passes into the possession of a private holder, I claim that water belongs to the party who first put it to use, provided he uses it without loss.

Mr. POTTER. With reference to a part of this matter, I think perhaps we will have no difficulty in arriving at a conclusion. While it is true, as Judge Conaway remarks, that at common law, the riparian owner has a right to the water that passes over his premises, or by his premises, in some of the western states that rule has been changed by decisions of the courts on the ground that in the existing condition of things, that it was necessaray it should be changed, and holding that there is no such thing as riparian ownership to the water, but that a person can get an interest in that water by a prior appropriation. So far as it has been passed upon in this territory I believe that has been the decision of the courts in reference to riparian ownership here. They have had a great deal of difficulty about the matter in California, owing to a lack of expression in regard to the matter in their constitution. I am very much in favor of the right to apprpriate water for irrigation and domestic uses as opposed to the riparian ownership theory, but I don't think we ought to interfere or attempt to interfere in our constitution with the right to water that does not become flowing streams, and perhaps some kind of springs, such as I have mentioned in Carbon county. Whether this would have the effect of doing that, I do not know. It is a new question with me, as it is with most of the convention, and the way I feel about it now I hardly feel as if I was well enough informed to vote intelligently.

Mr. BROWN. I have been a good deal perplexed with my friend from Laramie, Mr. Potter, as to just what should be done with this matter of springs. The rule as to riparian owners has been correctly stated by the gentleman from Sweetwater, Mr. Conaway, as to running streams, and that rule goes so far as to apply to all springs from which water passes across land to adjacent lands, no matter how large or how small the spring may be. But where the water does not pass from the spring across the land of the owner, it places it in a somewhat different situation, because there is no riparian owner except the man who owns the particular tract of land upon which the spring is situated. But something has been said about appropriating the water in springs and streams that are situated upon the public domain. It has been decided by the supreme court of the state of Nevada that no right to water can be acquired by any person settling lands belonging to the United States. They may have the use of the water as provided by the law of the United States, but that is to the utmost that anyone can go in making any appropriation of such waters. Now, we declare here that the state of Wyoming shall be the owner of all the water within its limits. Of course, we can do that only to such wataer as is situated upon land belonging to the citizens of the state, and as the title of the United States passes to the citizen who settles upon the public lands, the title to the water will also pass under the control of the legislative power of the state, under this declaration, but just how far we may go in our demands as to this matter is a question that I have not investigated, and I doubt whether there is any gentleman upon this floor who has sufficiently investigated the matter to say on his conscience what we shall do in reference to it. I therefore move, Mr. Chairman, that we report back this bill to the convention, and ask leave to sit again on the same matter contained in this file.

Mr. HOLDEN. Second the motion.

Mr. BURRITT. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Johnson, Mr. Burritt.

Mr. BURRITT. I hope that this motion will not be passed at this time, but that we be allowed to pass on with this file sufficiently far to reach the state board of control, which, as I understand it, is a still more radical change, and a more difficult subject perhaps to wrestle with than the one just passed. It reverses the present system. We have a document here to show to the convention the evils of our present irrigation system, and the organization of the state board of control proposes to reverse that system. It has its objections, perhaps, but the committee are anxious to hear from the gentlemen present and get their views on the matter.

Mr. BROWN. With the consent of my second I will withdraw the motion made.

Mr. POTTER. I think inasmuch as we are not any of us hardly prepared to vote upon the question, I think, Mr. Chairman, it would be a good idea to withdraw the motion.

Mr. CHAIRMAN. The mover of the motion asks to withdraw the motion. Is there objection? The chair hears no objection and the motion is withdrawn. The secretary will read Sec. 2.

(Reading of Sec. 2.)

Mr. FOX. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Albany, Mr. Fox.

Mr. FOX. I have an addition to the bill which I think should be incorporated and should come in as Sec. 2, and the following sections of the bill to be numbered one number higher. What I propose to this bill is this: "All persons, companies or corporations taking or diverting water from its natural course, shall be, and are hereby declared to be common carriers."

My object in presenting this section is to protect honest and poor settlers who want to settle on the public lands, situated along what we term railroad grant lands.

Mr. CHAIRMAN. Do you offer that as an additional section to be known as section 2?

Mr. FOX. Yes.

Mr. SUTHERLAND. Second the motion.

Mr. CHAIRMAN. The committee has heard the reading of the section offered by Mr. Fox to be inserted in this file as section 2. That would, of course, necessitate the changing of the numbers of the other sections. Is the committee ready for the question?

Mr. HAY. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Hay. I think there is one change that ought to be made in that amendment. I don't think that all irrigating ditches should be declared common carriers. If I take out a ditch on my own land, for my own use, for the particular purpose of irrigating my own property, and don't expect or want to sell the water, I think that ditch should not be designated as a common carrier, and I be compelled to sell that water whether I want to or not. If I had land enough to use it, and have no desire to sell the water, I don't see why I should be compelled to, and I don't think ditches constructed for private uses ought to be common carriers.

Mr. JOHNSTON. I would object to the addition of that clause, as I think it comes under the head of legislation. I think it is not necessary to make this so voluminous, and we ought to leave the settlement of these minor points to our legislature. The clause just introduced by the gentleman from Albany, is already on our statute books, and is recognized, I think by everyone as a just one.

Mr. CHAIRMAN. Are there any further remarks? If not the question is on the adoption of the amendment offered to insert this scetion 2 by the gentleman from Albany, Mr. Fox.

Mr. CLARK. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Uinta, Mr. Clark.

Mr. CLARK. I believe that the object intended to be reached by the gentleman is a proper one, but I do not think he has made a happy choice of terms in regard to this section. I therefore move that when this committee arise, it report it back to the convention with the recommendation that it be referred to this committee on irrigation, for the purpose of framing a section to cover this question.

Mr. BROWN. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the proposition offered by the gentleman from Albany, Mr. Fox, be referred to the committee on irrigation, in order that they may put it in proper shape. Is the committee ready for the question?

Mr. FOX. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Albany, Mr. Fox.

Mr. FOX. I would like to have this referred to the committee on irrigation for I think it is a very important thing that it should be in the constitution. For instance, a number of persons, or a corporation may organize a strong company to take out nearly all the water in a stream, convey it across the prairie, and without having use for this water themselves, will prevent the settlers who may want to settle on the public lands from obtaining water out of this canal unless they buy water from this company or buy the railroad lands, and I think that if a company has the right to take this water from its regular channel and put it where it can not be used, that settlers should have the right to the use of the water so long as there is a surplus, at any rate. I hope this will be referred to this committee, and that they will consider the proposition seriously in their report.

Mr. CHAIRMAN. The question is on the motion to refer this section proposed by Mr. Fox to the committee, for the purpose of getting the language in better shape. Are you ready for the question?

Mr. BROWN. I rise to make a remark at this time not to debate the question at all, but simply to make a suggestion that it may be considered by the committee on irrigation, when this matter is again before them. We have in this country what is called railroad lands, every alternate sections belonging to the railroad company, the other to the government. Now, a big company may be formed for the purpose of taking out water to irrigatae lands which they own themselves, that is, the railroad lands. The ditch may be carried for a distance of thirty or forty miles over lands part of which belong to the United States, and are open to settlement by its citizens, but the company taking out this ditch and the water to use on their own lands, carries it past these government lands. Now, supposing a settler who desires to make an entry on the land belonging to the government wants some of that water, and the company refuses to sell any portion of that water, although they take the entire stream from its bed, to any man who desires to settle upon a portion of the public lands of the United States. What are you going to do about it? This section offered by my friend from Albany, Mr. Fox is intended in some way to reach this evil, if possible, and I now speak of it, in order that the committee on irrigation may consider it when it comes before them for action, as it is a matter of great importance to many people in the territory.

Mr. CHAIRMAN. The question is on the motion to refer this proposition to the committe on irrigation. Those in favor of the motion will please say aye; those opposed, no. The ayes have it and it is ordered referred to the committee on irrigation. The clerk will read the next section.

(Reading of section 2.)

Mr. BURRITT. I move that section 2 be stricken out.

Mr. CONAWAY. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that section 2 be stricken out. Are you ready for the question?

Mr. BURRITT. Mr. Chairman, as the authorized representative of the committee on irrigation, I desire to lay before the convention some of the considerations which have been laid before our committee, which have influenced us to a great degree to make this extraordinary report. I have in my hand a paper prepared by the territorial engineer, Prof. Mead, treating upon this subject, and showing very conclusively what is the trouble with our present irrigation system, which is the exact direct opposite to the one proposed by this bill, and as introductory to, and supplementary to that report I desire to call the attention to a few figures in relation to a few ditches taken from Horse creek and its tributaries, a creek, the water of which has been diverted and the appropriataion decided by the district court of this district.

Horse Creek Live Stock company ditch, 160 acres, two cubic feet. That is 80 acres of land to a cubit foot of water per second of time. Carey Horse Creek ditch No. 7, 140 acres, seven cubic feet of water, or a cubic foot of water for every twenty acres. Going on down we come to Carey Horse Creek ditch No. 8, 190 acres, with twenty cubic feet of water for the appropriation there. Then there is the McLoughlin ditch, covering 100 acres, with an appropriation of two cubic feet of water; that would be about one cubic foot of water to 50 acres. There are others still more out of proportion than these I have quoted here, but, gentlemen of the convention, that is the decree of the district court for the first judicial district of Wyoming, sitting in Cheyenne, on the appropriation of water from Horse creek. It runs all the way from a foot to 15 acres to twenty feet to 150 to 200 acres. Now in the ordinary condition of things it is an almost universal rule that one cubic foot of water per second of time will do service for 50 or 60 acres. It has been fully demonstrated, I think, that we have got this thing wrong end to, that we have got the cart before the horse, in submitting a matter to the court about which they have no knowledge, officially or practically, and to enable it to get any knowledge it would have to spend a series of years in studying the question, and then when the decree is made, find that it had not diverted the water according to the use that it was required to be put to. I desire to read you Prof. Mead's report on this subject.

(Prof. Mead's report.)

The committee on Irrigation simply bring in this report for the infarmation of the Committee.

Mr. HAY. I move when this Committee arise they report back this file with the recommendation that the whole file be reported back to the Committee on Irrigation.

Mr. BURRITT. I would like to make an amendment before that is done. I desire to amend section five by inserting between the words "state" and "engineer" the word hydraulic.

Mr. JOHNSTON. I desire to state that in the original bill creating the office of state engineer, it was drafted "State Hydraulic Engineer." There were very serious objections raised to it on the ground that it might prevent him from performing any other duties in connection with those that he might perfom in the engineering line, and that he should be called the state engineer and that would include all the duties which might come within his office. That was the objection to the original draft of the bill creating that office.

Mr. CHAIRMAN. All in favor of the motion will say aye; those opposed no. The noes have it; the motion is lost.

Mr. FOX. I would suggest that when this is referred back to the committee that the words "and such other duties as may be prescribed by law" be added to the section, for this reason. We do not expect the engineer to do anything that is not in the line of his official duty, but circumstances might arise whereby the engineer of this state would be required to attend conventions in an adjoining state, and the legislature might direct him to do this, and under this law, might say it was not his duty without extra pay, and I think all of that kind of things ought to be a part of his duty if the legislature required that he should be required to do it.

Mr. HAY. I wish to insist upon my motion to refer this file on irrigation back to the irrigation committee.

Mr. CHAIRMAN. The question is on a motion to refer File 51, on irrigation, back to the irrigation committee. Are you ready for the question? All in favor of the motion will say aye; contrary no; the ayes have it; it is so referred. The gentlemen can make all of these suggestions to the committee. The next thing on the general file is the substitute for Files 19 and 22, county organization. The clerk will read Sec. 1. Any amendments to Sec. 1? The chair hears none. Sec. 2.

Mr. CAMPBELL. In the fourth line between the words "two" and "millions" there should be inserted the words "five hundred thousand," making it read "two million five hundred thousand."

Mr. POTTER. I would amend the amendment by striking out the word "two" and inserting the word "three," so it will read "three million."

Mr. CHAIRMAN. Gentlemen, you have heard the amendment to the amendment. Are you ready for the question?

Mr. COFFEEN. I am not ready for the question until it is discussed. I come from a county that is one of the newest in the sisterhood, and is in today perhaps as good, if not better, financial condition than any county in the territory, and by these provisions, as they now stand, it would have been impossible to have secured an organization of Sheridan county, for we have not even now two millions of taxable property, according to the last assessment in our county, and therefore I am opposed to increasing and heaping up difficulties in the way of organizing new counties, by making the assessable valuation of taxable property too high. The greatest difficulty in the management of counties is the necessary use of funds, but a taxation on two millions of taxable property or valuation will give more funds than is needed for the proper running of, ordinarily, any counties that will be organized, if they are conducted on an economical and proper basis; we were organized with an assessable property valuation of not over a quarter of a million, and have gotten along very well, and are doing well now, and expect to prosper, understanding our own affairs very well. This with only a quarter of a million taxable valuation. Then ,again, I wish to call the attention of the delegataes who all favor the more rapid development of this territory, and to ask you to consider two or three things. In the first place you are seeking statehood because by the local government of your affairs you can more advantageously manage your own affairs, and I agree with you there, but will you deny to those communities and districts who desire on a less amount to begin business and set up for themselves, local government, upon the very same principle on which we are seeking statehood? Is it not the best policy, is it not best in the benefit of our resources to facilitate the organization of new counties. that you fix this so that counties having enough taxable property as is sufficient for an economical home management, may organize, when they so desire, and I hold that but one-half of two millions is plenty for any new county to start upon with careful management.

Mr. RINER. In what condition did it leave Johnson county?

Mr. CAMPBELL. If Sheridan county is in such a prosperous condition, why is it their warrants are selling at such a discount today?

Mr. COFFEEN. Provided we can properly discuss it, I shall hold myself in readiness to explain.

Mr. POTTER. I think with the gentleman from Sheridan so far as Sheridan county is concerned, it has done very well indeed. I know that that county has got along very nicely, but I believe also that it is possibly almost a solitary exception. They have conducted their affairs in a very economical manner, and if it had been done otherwise, if it had been necessary for them to have had any unusual expense, if they had had any term of the district court there, within a year of their organization, they would have found themselves without the power to keep themselves free from debt. Under other circumstances, although I say it is a county that is going to grow, and they have conducted their concerns so economically, they could not have kept themselves out of debt. Now in the very next county, with a taxable valuation of one million seven hundred thousand, not two millions, they tell me, those who are acquainted with the affairs of that county, that it is almost impossible for them to exist and keep out of debt, and that instead of getting out of debt the chances are that they will become deeper and deeper involved. Now, as we well know, I think there are great theories concerning the organization of new counties, have grown up in every state. The desire is to form new counties, and you will find in some of the more thickly settled states, counties that you can almost step across, so I think we want to place some proper safeguards about this. I have no desire to hamper the organization of new counties, beyond that which is absolutely necessary; that is all, and I only want to fix a minimum in this constitution that will make it absolutely safe for a new county to organize. That is the only wish I have; nothing else in the world.

I believe in the organization of new counties, but I don't believe that we ought to have them organized unless they can do so safely. I believe in their organization because it gives them greater privileges, that they can transact public business to much greater advantage, and it seemed to me that with the experience of most of the counties of the territory that two millions was too low. It may be that my colleague, Mr. McCandlish, has fixed the right sum, that three million is too high. I am rather inclined to think that two millions and a half is the correct amount. And on this same matter I think we ought to make a greater concession to the old counties than is in this bill. However, that is not a proper motion to make at this time. With our present experience I don't believe we can say that a new county can safely take upon itself local government and get along on two millions assessable valuation.

Mr. HARVEY. I agree very heartily with the gentleman from Sheridan. We in the north squeal from very bitter experience on this subject. We have learned to our entire satisfaction the difficulties of being two hundred miles from the county seat. We realize very keenly the hardship of being deprived practically of local self government, and we think this ought to be reduced so that counties may be organized when the people desire it. I for one know that I would never have lived in central Wyoming for three years had I anticipated the experience that I have had. Our county seat was over a hundred miles from us. I know the gentleman from the proposed county of Natrona is not here, but I know that his people are in precisely the same situation that we were, they are having an experience which you cannot appreciate. They have no self government, they have no district court, they have nothing. They are living under a justice of the peace, nothing better. I say, gentlemen, give them every opportunity in the world to organize new counties—give the people of this territory a chance. Converse county today is doing very nicely on an assessed valuation of but little over two million, it does very well indeed, and they have local self government, and we take some pride in it. I ask you, gentlemen, to put this as low as you can, and give the newer portions a chance. I think two is about the proper amount.

Mr. CAMPBELL. I was in Fremont county at the time the board of county commissioners made their assessed valuation, and it was $1,800,000.00. Now I know from sad experience, because I received one of them, what Fremont county warrants are worth, they were selling at ninety-three and ninety-five , and that on an aassessed valuation of $1,800,000. In Converse county, with an assessed valuation, as I understand, of two million, will the gentleman deny that today they have not a cent to put up a bridge across a creek in Converse county—no funds out of which to build roads. If I am incorrect I hope some gentlemaan will correct me. Now we know in Johnson county the taking off of Sheridan county paralyzed that county. There is no question about it. In answer to my friend from Sheridan, it is well known that the county commissioners have not done their duty to the people of Sheridan county since it was organized. They have refused to call a court. There was a person in jail there in Sheridan county awaiting trial, and yet the county commissioners refused to call a court, and refused to call Judge Saufly to try this man, and I say it was not until a threat came from the present judge that they concluded to call a court in Sheridan county; and I would further answer the gentleman from Sheridan that they have no public buildings there whatever, they have no court house, they have not got a jail, not any public building whatever, and they might well say that they have kept their expenses down. If they had a term of court, or put up a court house or a jail, as they should, which is not really anything but a log cabin, there is no telling where the expenses of Sheridan county would come to.

Mr. MORGAN. I am very well satisfied that an assessed valuation of two million dollars is a sufficient amount of assessable property to provide for the wants of a new county. Of course in a new county they would not have a good deal of the expenses that we have in the more populous and more wealthy counties. It is a question for the people themselves to settle. An assessed valuation of two millions at three per cent would be sixty thousand dollars per annum. Give them local self government and if they don't with sixty thousand dollars build a court house it is their own fault. They could build a court house, and if they don't build it on sixty thousand dollars they can do like other counties, they can go and issue bonds and build it. It is their own business. I believe in the organization of new counties, it is a help and a benefit for the territory to give them self government.

Mr. COFFEEN. Mr. Chairman. I will begin by meeting some of the arguments in this case. There has been reference made to the warrants of our county, to the condition of our county and to our public buildings, and I fear, gentlemen of the convention, that some of you in your anxiety to treat this question fairly, and as best may be done, might be misled by these things, if I did not make reply. The last warrant that I disposed of I obtained ninety-five for. Our warrants then are in good condition. We are not suffering on that score in any manner whatever. That is a sound reply on the credit of the county. We are told that our county has been so careless in that she has refused to call a term of court. Let me tell you, my friends, that it is a matter of some pride to me, and of chagrin to some of you by contrast, that Sheridan county at the time I left there had no criminal in its jail, and has not had since we have had an existence as a county. I am proud of the fact. There have been two persons for misdemeanor incarcerated in the jail. Small offences, for a few days. Then again the statement was made that we had no jail, or if we did have any it was a log cabin. We have a steel lined jail, and will hold every criminal of Laramie county that ever happens to get behind it. It is one of the best in the territory. Since I came away I think there has been one man incarcerated, or he has given bail, and we shall therefore need a term of the district court, and our commissioners have called one since I came away. Now, I wish to make an argument in favor of the organization of new counties. Much of the expense to which large counties are placed or put comes from the fact that the mileage and the seeking after criminals, the notification of witnesses and all those things, multiplies the expense very much, while in a small and more compact community a great deal of this expense is saved. That is one source of economy, and I want it understood that it is an argument in favor of the formation of new counties, and taking it all in all lessens the expense. Some say that it multiplies the officials, that it requires two sets instead of one, but I say by what you can save in the way I have just mentioned, you can almost pay the compensation of our officials. I think that you will make a great mistake in this convention, if you bind them hand and foot, as it will, by a too high assessed valuation being required, before they can organize a new county, and a too high population. I should much prefer to see it as low as a million and a half, and I would much prefer to have the requisite population cut down to one thousand. Why two per cent on two million will be forty thousand dollars, and in our own county, we have a good deal less than that to conduct our own affairs. We to-day, here as a convention, are considering whether or not we cannot reduce the salaries and fees on which we can run an economical state administration, and we must do it, and we must go before congress with that in view, as well as the people, for they will consider it. We must provide for this, if we expect to go before the people for ratification and expect them to take favorable action upon this constitution. All the arguments that will be made in favor of our admission as a state in the house of congress, are the very arguments that I would offer you in behalf of the organization of new counties.

Mr. HAY. I would like to ask Mr. Coffeen what was the last levy of taxes in Sheridan county.

Mr. COFFEEN. I do not know the figures exactly, but I think last year the levy was two or three per cent. I ran over it very hastily, but I think excluding school taxes and territorial taxes, that it was less than two per cent.

Mr. HAY. I cannot see any reason why this amount should be raised. It seems to me that the levy in a new county of three or even four would not be excessive. Most of us have had to stand it here for twenty years, and stood it pretty well, and it won't take as much to run a county as it did in the past for we hope to cut the salaries of these county officials in this constitution. I don't see any reason why we should raise this above two million.

Mr. FRANK. Crook county has been organized for about three years and the assessed valuation this year is only two million and a quarter, and we find ourselves in debt in the sum of $70,000 to-day, and if our county is divided at all it will not enrich the one part at all, but will make us still poorer indeed. I am in favor of leaving the limit at least two million and a half.

Mr. ELLIOTT. It will be remembered perhaps by some of the members of this body that to the last legislature I made an appeal on behalf of the people of Johnson county. The gentleman who sits on my left was a member of that body. It was proposed to divide that county at that time. I allude to the portion that was proposed to be left, and I assure you that we were left. My appeal was made upon the ground that the people of the old county had some rights which the legislature was bound to respect, and the result to our county has shown that my appeal was a good one. They left us as we estimate it, with two millions of taxable property; the property has decreased since that time, but even with that two millions of taxable property I may say that our condition has really been pitable. There has been time after time when the banks have refused to receive our warrants for any sum whatever. Nearly every public improvement has been stopped. The building of bridges, absolutely necessary in the spring, have been required to be paid for in advance; roads needing repairing have gone without repairing. Our taxes have been put up to the highest possible notch today, and at the last election we were obliged to come together as a people, without consideration of party, and get two of our business men, who did not wish to hold office, to take hold of the affairs of our county in order that we might, if possible, put ourselves in a position where we could again be self supporting. I am not opposed to the organization of new counties, but this thing of taking a new county starting off without any expense,being taken as a criterion as to what the valuation should be, is to my mind a mistake. Now the county of Sheridan has been referred to. The county of Sheridan has done remarkably well. But I will call the attention of the gentleman from Sheridan to the fact that that portion of old Johnson county was amply supplied with roads and bridges; every foot of roads and bridges that Sheridan county now boasts was done by the old county of Johnson. Two-thirds of the work that was done in the old county was done in what is now included in the limits of Sheridan county. And so far as that matter is concerned it has had no work to do. It has also been stated that they have had no term of court, that they needed no term of court. It is true that they have had but little crime to necessitate the holding of a term of court, but I will call the attention of the gentleman to the fact that shortly after the organization of that county, when the election was still in doubt, there was a murder committed in the town of Dayton. I had that man indicted in the Johnson county court; the offense took place in the county of Sheridan, and up to the present time they have held no term of the court to try that man. When Sheridan county shall have had a little more crime, has had a few terms of court, I think it may be that the gentleman will not think that two millions is sufficient to run a county on. I believe with the gentleman from Laramie that two millions and a half assessable property is the very least, and I should like to see it higher.

Mr. BURRITT. I would like to ask the gentleman from Sheridan how they manage to levy for county purposes such a tax as he informed Mr. Hay, when the laws of Wyoming restrict the levy for all purposes, county and territorial, to sixteen mills on the dollar.

Mr. CHAIRMAN. That is hardly to the question.

Mr. CAMPBELL. I will simply state in reference to what I said about Sheridan county was based upon what Judge Saufley told me; that there was business in Sheridan county, but that the county commissioners had refused to call a term of court, and that he had notified them that unless they did call a term of court to try civil and criminal cases, that he would go up to Sheridan county himself in July. There is another thing we should consider, Mr. President, in relation to the creation of new counties, and that is the fact that in a county they may suddenly come into a large amount of taxable property, and the people want to organize a new county. Take the county of Crook for instance, they have a large bed of coal, the value of taxable property increases, they organize a new county. Suppose that the coal should play out, as it did on the Oregon Short Line, and after the coal is gone it is no good whatever, and the people all go away and there is no population or taxable property, what is to become of that county, with all the expenses, all the taxation caused by reason of the creation of a new county. I will say to the convention that I am not in favor of three millions, I think two millions is a very conservative amount to place in this constitution.

Mr. HARVEY. We are on the supposition that Wyoming is going to be a great state, that she is going to develop. If she is not we had better go home today. I submit to this convention that if Wyoming, unless every county in the territory is going to proceed to develop immediately, there is no occasion for a constitutional convention. If any of you gentlemen think that any county organized in this territory is going to depreciate in value, that its taxable property is going to diminish, then we had better go home. I say to you give these new sections a chance, two millions is enough for a new county. It is not sufficent to build a magnificent court house, Converse county has none, and don't want one. We are content to have local self government, to have a district court to appeal to, to be relieved from the dominion of a justice of the peace. We can get along without a court house, and such expenses as those. We came into this country to work, to help her develop, and become a great state, we have labored just as much, just as hard and earnestly as any of you, but I say to you give us a chance, don't put us at work in the harness and keep us there because unfortunately we are not wealthy, but give us a chance to become wealthy. I plead for the sections that need protection, that need development; this county is perhaps developed, but Wyoming is not developed. Give the newer portions a chance. Two millions is a small amount, but I say it is enough to run a new county with, and they ought to be allowed to attempt it.

Mr. COFFEEN. I will confine myself to the things that have been stated. I said something about the levy in our county being less than two per cent, that it did not exceed two per cent, and if the levy is limited to sixteen, my conviction is that Sheridan county will abide by the law as faithfully as any other county in the state. In reply to my friend from Johnson county who has engaged most heartily in that hard battle that has been fought between the new county and the old for so long, I will say in reply to him about what he calls a cold blooded murder. While we were yet in the old county of Johnson there was a death one day at Dayton, and which is called a cold blooded murder. But so far from being a cold blooded murder, my conviction is that it was one of those cases where the welfare of the best citizens of the territory seemed to demand the taking of things in their own hands, and to rid themselves of a man who was threatening the peace and welfare and safety of the town, and it was only in self defense. I know the parties well, but of course that is only a difference of opinion. As to what the gentleman from Laramie has said about our not having any courts, I cannot say what his information was, but all I can do here is to come before you and state as one of your fellow citizens that I do not know of any criminal needing trial in Sheridan county from the date of our organization to the time I started for this convention, that is all I can say, and I think the gentleman was misinformed, and I trust his information shall not lead you into any error.

Mr. FRANK. I agree with the gentleman from Converse that two millions assessed valuation is enough for a new county but how is it going to leave the old county. Two millions is not enough to leave for the old county with perhaps an indebtedness of a large amount. We have to take those things into consideration. While this may be enough to start a new county it is not enough to leave the old.

Mr. CHAIRMAN. The question is on the amendment to the amendment; to strike out "two" and insert "three;" are you ready for the question? All in favor of the motion will say aye; contrary no; the noes have it; the amendment is lost. The question is now on the amendment offered by the gentleman from Laramie, to insert after the word "millions" the words "five hundred thousand;" all in favor of the motion will say aye; contrary no; the noes have it; the motion is lost. The question now recurs on the original section fixing the amount at two millions; are you ready for the question? All in favor of the motion will say aye; contrary no; the ayes have it; it is so ordered.

Mr. IRVINE. I desire to amend Sec. 2 in the sixth line, by striking out the words "an equal or greater" and inserting the words "of at least three million of dollars of assessable valuation."

Mr. CHAIRMAN. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the amendment will say aye; contrary no; the ayes have it; it is so amended.

Mr. POTTER. I have an amendment to offer to Sec. 2. "No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off, voting on the proposition, shall vote in favor of the division."

Mr. COFFEEN. I dislike to find myself so thoroughly in opposition to the honorable gentleman and delegate from Laramie county, but that is a question that the legislature can provide for better than we can here. There is not the slightest danger that any new county will be cut off if the majority within it are not in favor of it. There is no danger on that score. Let us not limit the legislative power in that respect, but leave our legislature free to act on that point.

Mr. CAMPBELL. The great danger of leaving a question of this kind to the legislature is simply this. Here we have a legislature, some members of whom are likely to want a special piece of legislation passed by the legistature. Here is some person who is opposed to this particular piece of legislation, and they want a new county organization, and that by a little urging they can get the legislature to remedy this matter of the organization of counties, and on the petition of two or three hundred taxpayers within that county, a new county shall be be formed. Now this will take away the temptation and the power to do anything of that kind. Under the laws of this territory, the legislature has provided that when three hundred taxpayers in the county petition the governor that thereupon the governor shall organize the new county. Take it in relation to our laws governing municipal corporations. It is a most infamous piece of legislation, putting it in the power of thirty citizens to organize a municipal corporation when there may be two thousand in that municipal corporation who don't want one. Now, I say that it is only fair that the persons living in the territory to be cut off should have the right of deciding whether they shall assume this burden, and not leave it absolutely within the power of any minority to do it. It is a good old democratic doctrine that the majority should rule. In any event, take away from the legislature the power to allow the minority to put the burden upon the majority when they don't want to assume it.

Mr. BROWN. I am not opposed to the proposition stated in this amendment, but I believe that it is a matter that can be most wisely left to the control of the legislature. Whatever it may be necessary for them to do in establishing new counties, they can best judge when the time comes for the establishment of them, and if in their wisdom it should seem best to provide that the people of the county should vote upon that question before a new one can be organized, then I think we can trust to them to determine how and in what manner that shall be done. We start out here by fixing a limit upon the legislature. A great deal has been said about the amount of money, the valuation of the taxable property of the new county, and in the old county. We don't propose to provide by the terms of this constitution that a greater amount shall not be required by the legislature, we simply say that a less amount shall not be—that is all. So place that limitation upon their action, and we say here that a new county shall have two millions of taxable property, but the legislature in its wisdom under this very part of the constitution, may fix it at three or four millions. They are not limited in that direction. We only say that it shall not be less. We start out in this section two by saying that the "legislature shall provide by general law for organizing new county seats, changing county lines, etc." We start out in this section that the legislature shall do something, and before we get through with all these amendments, if they are adopted, we will settle the whole question ourselves, and leave nothing to the legislature whatever. I believe in the legislatures of Wyoming, and I say to the gentlemen here that when the legislature provided that a few men could establish a county by petition, it was wise legislation and the history of our territory proves it. I remember a few years ago that the people of Johnson county undertook to form a new county and they had very hard work to get the necessary number of petitioners under that law. I have no word of disparagement to say of Johnson county. I believe she is doing well, and I know that Sheridan county is doing well.

Mr. HARVEY. We in Converse county have been recently taken out of the woods and that explains our sympathy for those who are at present in the woods, and may want to come in. I merely wish to put this question to you fairly. Does any man think that any new county would be organized if the old county has to consent? How many would be organized in the next ten years? How many will cut down their taxable property, and increase their taxes for the benefit of somebody in the other end of the county? It is not human nature. Gentlemen, make it possible to organize new counties.

Mr. POTTER. The strongest objection to this section seems to be that we will never have any new counties. Now that is not history. History does not teach it. Kansas has precisely this same provision. North Dakota has it; Illinois has precisely the same thing in its constitution. I think that you will find that the majority of states west of the Mississippi river have precisely this same provision in them.

Mr. CHAIRMAN. The question is on the amendment as offered by Mr. Potter. All in favor of the motion will say aye; contrary, no; the chair is in doubt. All in favor of the motion will rise—19, Mr. Chairman. Those opposed, no—18, Mr. Chairman. The motion is lost.

Mr. BURDICK. Is not every member obliged to vote? I call for Mr. Ferris' vote.

Mr. TESCHEMACHER. I think a member is not required to vote in committee of the whole, that rule applies in convention.

Mr. POTTER. The chair incorrectly announced the result of the vote. I appeal from the decision of the chair that the motion was lost.

Mr. CHAIRMAN. The question is on the appeal; shall the decision of the chair be sustained? All in favor of the motion will say aye; contrary no; the chair is in doubt; all in favor of the decision of the chair being sustained will rise and stand until counted—20; those opposed—18; the decision of the chair is sustained.

Mr. RINER. I move this committee now rise and report. All in favor of the motion will say aye; contrary no; the ayes have it; the committee will rise and report.

(Report of committee of the whole.)

Mr. RINER. I move the report be adopted.

Mr. PRESIDENT. All in favor of the motion will say aye;

contrary no; the ayes have it; the report of the committee is adopted.

Mr. JOHNSTON. I move we adjourn until 9 o'clock tomorrow morning.

Mr. PRESIDENT. All in favor of the motion will say aye; contrary no; the ayes have it; the convention will adjourn until 9 o'clock tomorrow morning.

ELEVENTH DAY.

MORNING SESSION.

Friday, Sept. 13, 1889.

Mr. PRESIDENT. The convention will come to order.

Roll call. Thirty-two members present.

Reading of the journal.

Reports of standing committees.

Presentation of propositions.

Mr. CAMPBELL. Before any further business is taken up I desire to move that the report of suffrage be made special order for Tuesday morning of next week.

Mr. PRESIDENT. Gentlemen, you have heard the motion that the report on suffrage be made special order for Tuesday morning of next week; are you ready for the question; all in favor of the motion will say aye; contrary no; the ayes have it; the motion prevails.

Mr. RINER. I move we now go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary no; the ayes have it; the motion prevails. Will Mr. Riner of Laramie take the chair?

Mr. CHAIRMAN. Gentlemen of the committee, the first matter on the general file for consideration is the substitute for Files 19 and 22. When the committee arose we were considering Mr. Potter's amendment.

Mr. JEFFREY. I move the amendment be adopted.

Mr. COFFEEN. I call for the reading of the amendment.

Mr. CHAIRMAN. The amendment reads as follows: "No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division."

Mr. COFFEEN. My only objection to this proposition is that it fixes and limits the manner of holding any election to determine that question, instead of leaving it to the legislature to determine by petition for election or in such other manner as they may deem wise to fix. I have no objection to the principle. I oppose the division of counties unless the majority therein in the detached portion were favorable. I would rather leave the legislature free.

Mr. POTTER. Just a word. We have provided for the secrecy of the ballot, and probably this convention will adopt such a provision in our article on elections. Now the circulation of a petition, if the legislature chooses to provide that method of ascertaining the feelings of the citizens concerning the desire to organize a new county is not secret People are always influenced by whether a certain man signs or not. A man might by reason of that very fact be influenced to do that which he does not want to do. I think there should be the same secrecy provided in that respect as in any other, so the legislature can provide that the method shall be a private one, so that the will of the majority may not be overcome by a petition which is circulated perhaps by a few influential citizens, and in some instances not get the exact will of the majority.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Laramie; all in favor of the motion will say aye; contrary no; the ayes have it; the amendment is adopted. Sec. 3. Any amendments to Sec. 3.

Mr. BARROW. I desire to offer an amendment to Sec. 3. "No county seat shall be removed unless three-fifths of the qualified electors of the county voting on the proposition at the general election shall vote in favor of such removal, and a vote of three-fifths shall be required to locate the county seat." A proposition of removal shall not be submitted to the same county more than once in four years." I don't think any argument is necessary in behalf of this amendment. It is substantially the same thing as is found in one-half or two-thirds of the constitutions of the states, and I think carries its own argument with it. The provision that the county seat shall not be changed more than once in four years will prevent a great deal of difficulty, and certainly a vote of three-fifths of the electors living in the county should be required to change the county seat.

Mr. CHAIRMAN. The question is on the amendment; all in favor of the amendment will say aye; contrary no;the chair is in doubt; all in favor of the proposed amendment will rise and stand until counted—16. Those opposed will rise—19. The amendment is lost.

Mr. COFFEEN. Mr. Chairman, I wish, if I may be permitted, to call attention to one difficulty we are in by reason of the provisions so far made. So far as we have gone in fixing these things, no new county can be formed, nor any portion detached from any existing county, without the detached portion or the new county shall have an assessed valuation of two millions of dollars, and the county from which it is taken shall have an assessed valuation of three millions of dollars. Now Sheridan county has an almost impassible range of mountains running through it, so that on the east side of the Big Horn range, in the basin, there is a small portion of our county that is entirely cut off from us by all reasonable means of access and communication, a small portion that I believe nine-tenths of our people would be very glad to let go into the organization of a new county, for their benefit and ours, and as you have fixed it we cannot let them go. It would be for their interest and ours, and the people in general demand that there ought to be some way in which that portion there in the basin can be detached, and permitted to organize a new county in some way or other, but as we stand now it cannot be done unless we shall have on the east side three millions of property, which we may not have for a long time to come.

Mr. TESCHEMACHER. Is the gentleman talking to any question?

Mr. RINER. There is no question before the house. The gentleman is talking only by suffrance of the committee. Section 4.

Mr. BURRITT. As a part of that section, in connection, I dessire to ask that the clerk read Sec. 5.

Mr. FOX. I suggest that the secretary also read Secs. 6 and 7, and also the minority report on which I wish to make a motion. I move the adoption of the minority report in lieu of Secs. 4, 5, 6 and 7, subject to amendment or substitution. I don't approve in the first place of the majority report for several reasons, the main one is the election of our board of county commissioners. By the adoption of the majority report, it seems to me would lead to endless confusion. There would be one county in the state having a system of government by the chairman of the several township boards and the others would have a board of county commissioners. Now it seems to me what the state desires is a general law in regard to county organization, so that all the affairs of the county can pass through the same channels, and under the same law. If we should substitute the minority report the matter would be left entirely with the legislature to make such laws as they may deem necessary. If the legislature saw fit to adopt the plan proposed by the majority report, there is nothing to prevent it, provided they make it general for all the counties, and it would leave the subject in such a shape as we could understand it.

Mr. BURRITT. In behalf of the majority of the committee I desire to obviate just on what very point that the majority report is drawn, and that the minority report is not approved by us. The minority report makes compulsory for the legislature when it does provide for township organization that every county in the territory shall organize into townships, and that is just the thing that we want to prevent. We cannot afford that. The territory is so large and the counties are so diverse in their conditions and also in their settlement that what would be advisable for one county, for one portion of the territory, would not be for the other. In our own county we have seriously considered the subject of a district or township organization, but we are well aware that the same rule applied to Crook county for instance would not work at all. It might not work with us, I do not know, but we want to have the opportunity to try it, if we wish to. So far as a government by the chairman of the township boards is concerned interferring as suggested by the gentleman from Albany with the matter of the state board of equilization, there would be no difficulty whatever in that, as the first thing the chairman of the township boards would do when they got together would be to elect a chairman from their number who will be their representative before the state board of equilization. Now my own opinion is that this majority report, or these three sections here in the majority report, will not be called into operation for several years. It may be that it will never be called into operation, but there may be some portions of this territory where it might be desirable to divide that county for the purpose of township organization.

Mr. HARVEY. It seems to me that the majority report is altogether too unsettled. It says if the people don't want this, they can have the other. It seems to me that it is fixed that nothing should be incorporated in the constitution that has not been definitely determined upon as something fundamental. This leaves it too indefinite. I shall therefore favor the minority report. Leave it to the legislature.

Mr. CAMPBELL. I was not at the committee meeting when this report was made up and these matters were considered, and I signed the minority report after it was made up. I have not had time to examine into the matter at any length, and I signed this minority report simply because I believe with the gentleman from Converse that it is better to leave it to the legislature as to how these townships shall be organized. I am willing to trust it to the legislature, believing they will do what is right and proper when the time comes.

Mr. BROWN. I have a substitute to offer for Secs. 4, 5 and 6 of the majority report, and of the matter reported by the minority committee, "The legislature shall provide by general law for a system of township organization and government, which may be adopted by any county, whenever a majority of the citizens thereof voting at a general election shall so determine."

Mr. CAMPBELL. I don't quite understand that amendment. If the county should vote for the township organization, then each township must be forced to adopt it, whether they can afford it or not. Would not that be the effect of this amendment. Suppose for instance a county where two or three districts were pretty well populated, and could afford township organization. Suppose the county should vote in favor of township organization, would not this amendment compel all the other districts to adopt township organization whether they could afford it or not?

Mr. BROWN. My impression is that it leaves the whole matter in the hands of the legislature, where in my judgment the matter properly belongs. We cannot undertake here to cover all the questions that may arise in the future state of Wyoming, but we can incorporate some general principles which will guide the legislature in their action. Now if the question suggested by the gentleman from Laramie should arise under that provision, as I understand it, it would leave the whole matter for the legislature to govern and control as they please. If it does leave it in that shhape it is what we want. If it noes not, there may be objection to it. It was the intention to put the matter where the legislature should control it fully and entirely.

Mr. FOX. I don't see that this report can be improved upon. It is in as simple language as we can get it, and leaves the proposition in the hands of the legislature to make and adopt township laws as soon as deemed necessary. We don't want to have it for the adoption by one county, or township. These laws should be made general. I am in favor of this committee report.

Mr. COFFEEN. I am in favor of the amendment now pending. The only difference between it and the proposition of the minority report is referred to by the last speaker. That the minority report provides for a general law for township organization, while the substitute leaves it to the action of the counties themselves before it shall be instituted and carried into effect. It makes it optional with the counties to adopt it if the legislature shall provide for it. I think that is a good provision, and am therefore in favor of it. In reply to the gentleman from Laramie who spoke against this substitute, on the ground that it might work a hardship upon some of the townships who might not want it and could not afford it, I take it that the townships will be so laid out, in such a manner as may be provided by law so that it can work no hardship or injustice, because the sub-divisions can be so made that the interests of all parts of the county will be considered.

Mr. CHAIRMAN. The question is on the substitute offered by the gentleman from Albany; all in favor of the amendment will say aye; contrary, no. The ayes have it; the amendment is adopted. Section five. All in favor of the adoption of section five will say aye; contrary, no; the ayes have it; the motion prevails.

Mr. TESCHEMACHER. I move this committee now rise and report back this file with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails.

Mr. TESCHEMACHER. I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The committee will now rise.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. TESCHEMACHER. I move the report be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The report will now be referred to the engrossing committee.

Mr. HAY. If there is no objection, I would like to introduce a file at this time.

Mr. PRESIDENT. Is there objection to the gentleman introducing a proposition at this time? The chair hears no objection. The gentleman will introduce his file.

(Reading of file 74.)

What will you do with the proposition, gentlemen?

Mr. RINER. I move that it be referred to the committee on boundaries and apportionment.

Mr. HAY. I suggest that it carry with it the motion to print.

Mr. PRESIDENT. The question is on the motion that file 74 be referred to the committee on apportionment and ordered printed. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails.

Mr. BURRITT. I now move that the other proposition in reference to apportionment which this convention has refused to print be ordered printed.

Mr. PRESIDENT. Can the gentleman state what files they were?

Mr. BURRITT. I do not remember the numbers.

Mr. RINER. I move we now adjourn, and the gentleman can ascertain the numbers of the files during recess from the committee having them in charge, and that we take a recess until two o'clock.

Mr. PRESIDENT. The question is on the motion to take a recess until two o'clock. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it. The motion prevails. The convention will take a recess until two o'clock.

AFTERNOON SESSION.

Friday Afternoon, Sept. 13th.

Mr. PRESIDENT. Convention come to order. Gentlemen of the convention, files No. 19 and 22, the substitute therefor, have been acted upon and amended by committee of the whole. These amendments have been adopted by the house, and it seems that the matter is now in such form that it had better, unless the members otherwise desire it, be referred to the committee on engrossment.

Mr. CAMPBELL. I move that it be sent to the engrossment committee.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the substitute for files No. 19 and 22 be referred to the engrossment committee. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; it is so referred Mr. Secretary. At the moment of taking a recess, the gentleman from Johnson, Mr. McCandlish, made a motion to print certain files that had been before reported to the house. He desired to refer to the files and specifically number them. I do not see the genteman here at this time and if there is no objection the matter will stand until he comes in, so we can act more intelligently upon the matter.

(McCandlish comes in.)

Mr. PRESIDENT. Will the gentleman from Johnson, Mr. McCandlish, enumerate the files that were desired to be contained in the motion to print?

Mr. McCANDLISH. I have not yet had an opportunity to look it up.

Mr. PRESIDENT. Does the gentleman then withdraw his motion for the present?

Mr. McCANDLISH. Yes.

Mr. PRESIDENT. There are several matters on the general file for the consideration of the committee of the whole. What is your pleasure, gentlemen?

Mr. JEFFREY. Before that matter is taken up, there is a matter which I think should receive the attention of the convention. Committee No. 19 reported back this morning file 58, I believe, as properly engrossed. That is something, I assume, which will in the future be carefully looked after, as I think these files should be considered by this convention after they have been engrossed, as I think it proper that every member of this convention should be fully informed as to the contents of every file. I would move, therefore, that the file as reported back be read for the information of the convention, in order that we may see whether it is correctly engrossed.

Mr. PRESIDENT. The convention disposed of that file this morning, by referring it to committee No. 10, and it is now in the hands of that committee, and was so disposed of by the convention. Probably the gentleman was not present at the time.

Mr. JEFFREY. I was present, but I understand that that would be agreeable to the chairman of the committee, that he would rather prefer to have it done.

Mr. PRESIDENT. The chairman of the committee is not here, and he probably has the bill in his possession.

Mr. JEFFREY. The only object I had was this. It is now fresh in the minds of the members of the convention, and while the clerk might think it was correct, but there might be some member of the convention who might discover that something was left out that should be there, or something in there that should be left out. This is something which is not likely to occur again, and I made the motion because I think it is in accordance with the wishes of the chairman of the committee.

Mr. PRESIDENT. Does the gentleman from Laramie, Mr. Teschemacher, as chairman of the Revision Committee desire to have the file reported back to the convention this morning read.

Mr. TESCHEMACHER. This is the exact situation as I understand it. The convention has given complete authority to the Revision Committee to do whatever they please with anything that comes into their hands from the convention, after it has been amended by the Committee of the Whole and passed upon by the convention. It seems to me the convention are allowing the committee altogether too much authority. I felt so alarmed about it that I immediately took File 51 down to the secretary and asked him to store it away in the safe of the capitol, because as chairman of the committee I have got to keep all the engrossed files from one on until the whole constitution is ready to be adopted, and the convention has got to take my word for it that all these propositions are properly engrossed without knowing anything about it; you have got to take the word of the committee for it, and it seems to me that you have put into the hands of this committee unlimited authority to do with this constitution just as they please.

Mr. JEFFREY. The only reason I spoke of this was that the bill as it went into the hands of the committee was in very bad shape; it had been interlined and interlined, and it was for that reason that I suggested it be read. But if the convention do not desire to have it read, I am not particular about it.

Mr. TESCHEMACHER. I can assure the convention that that particular file is properly engrossed and is now in the safe of the capitol.

Mr. JEFFREY. With the consent of my second I withdraw my motion.

Mr. HARVEY. I move we now go into the committe of the whole for consideration of the general file.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready forthe question? All in favor of the motion will say aye; contrary, no. The ayes have it, the motion prevails. Will Mr. Conaway take the chair?

Mr. CHAIRMAN. Gentlemen of the committee, the first thing for consideration on the general file, is file 46, submitted by Mr. Morgan, on the distribution of powers.

Mr. MORGAN. I desire to move when this committee rise they report that file back with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentleman, you have heard the motion, are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The next proposition on the general file is the report of committee 18, substitute for ~~file 13,~~ on amendments.

Mr. HARVEY. I will simply state that this is the form found in almost all the western states, and I move the adoption of section 1.

Mr. CHAIRMAN. The question is on the adoption of section 1; all in favor of the motion will say aye; contrary, no. The ayes have it, section 1 is adopted. Section 2.

Mr. FOX. I move the adoption of section 2.

Mr. CHAIRMAN. Gentleman, you have heard the motion; are you ready for the question? ~~All in~~ favor of the motion will say aye; contrary, no. The ayes have it, the motion prevails. Section 3.

Mr. SMITH. I move the adoption of section 3.

Mr. CHAIRMAN. The question is on the adoption of section 3; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. Section 4.

Mr. FOX. I move section 4 be adopted.

Mr. CHAIRMAN. Gentleman, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. I move when the committee arise, they report back the substitute for file 13, with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing is the substitute for file 14, by committee No. 6. What is your pleasure with reference to this proposition, gentlemen?

Mr. BARROW. I move that the committee rise, they report back this section with the recommendation that it be adopted as a part of the constitution, and I would simply say as chairman of that committee that this section is taken word for word from the act of congress creating the territory of Wyoming.

Mr. CHAIRMAN. You have heard the motion; are you ready for the question? The question is on the adoption of the proposition fixing the boundaries of Wyoming as reported by committee No. 6. All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise and report.

Mr. PRESIDENT. Gentlemen of the convention, what will you do with the report of your committee of the whole?

Mr. CAMPBELL. I move its adoption.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole be adopted; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the report of the committee stands adopted.

Mr. POTTER. I move that these files be made the engrossed copies and placed upon their final passage.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The secretary will read file 46.

File 46 has been finally read and is now upon its passage. So many as are in favor of the passage of the file will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, the vote of file 46 stands as follows: Yeas, 33; nays, none; absent, 16. By your vote you have adopted file 46 as a part of the constitution. If not otherwise ordered, the file will now be referred to the committee on revision. It is so referred. The question is now upon the adoption of file 13, as a part of the constitution. Are you ready for the question? So many as are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on file 13 is as follows: Yeas, 34; nays, none; absent, 15. By your vote, gentlemen, you have adopted file 13 as a part of the constitution. The question is now upon the final reading and passage of file 14. Are you ready for the question? All in favor of the adoption of the file will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on file 14 stands as follows: Yeas, 33; nays, none; absent, 16. By your vote you have adopted file 14 as a part of the constitution of Wyoming. What is your pleasure, gentlemen.

Mr. TESCHEMACHER. As there is nothing ready to come before the house, and as the committees have a great deal of work to do, I move we adjourn until ten o'clock to-morrow morning.

Mr. PRESIDENT. Gentlemen, the motion is that we now adjourn until ten o'clock to-morrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The convention will take a recess until ten o'clock to-morrow morning.

TWELFTH DAY.

MORNING SESSION.

Saturday, Sept. 14, 1889.

Convention assembled at 10 o'clock, President Brown in the chair.

PRESIDENT. The convention will come to order.

(Prayer.)

PRESIDENT. The secretary will call the roll.

(Roll call.)

SECRETARY. Twenty-eight members present, Mr. President.

Mr. MORRIS. Mr. President, Mr. Menough and Mr. Palmer have been called home and ask to be excused until their return.

Mr. PRESIDENT. If there is no objection, the gentlemen named will be excused. The record will so show, Mr. Secretary. The secretary will read the journal of the eleventh day.

(Reading of the journal for the eleventh day.)

Mr. PRESIDENT. Are there any corrections to the journal as read? There being no suggestion, the journal stands approved, Mr. Secretary.

The presentation of petitions, memorials, resolutions, and propositions are now in order. Are there any propositions to be presented this morning? Reports of standing committees. Are there any reports of standing committees this morning?

Mr. PRESTON. On behalf of committee No. 2, I have been instructed to submit a majority and minority report. As the report is very long and cumbersome, I ask that it be only read by title and printed.

Mr. MORGAN. I think the report ought to be read, but not the matter to be incorporated.

Mr. PRESIDENT. The secretary will read the report.

(See journal, page 58.)

Mr. MORGAN. I ask that the report of the minority be read.

Mr. PRESIDENT. The secretary will read the minority report.

The minority of your committee on legislative department, No. 2, beg leave to report section 3 filed herewith, and ask its adoption in lieu of section 3 of the majority report.

September 14, 1889.

Sec. 3. The legislature of this state, until otherwise provided by law, shall consist of fifteen members of the senate and thirty-one members of the house of representatives, to be apportioned to the several counties and districts, as near as may be, according to the number of their inhabitants. Provided, that no city or county shall be entitled to separate representation in the senate until the whole number of senators shall be twenty-four (24) or more, when the said separate representation shall not exceed one-sixth of the whole number of senators.

E. S. N. MORGAN.

Mr. PRESIDENT. The question is on the recommendation to print the substance reported by this committee, that it may be considered by the conventtion. It seems that there are two reports; they differ as to but one or two sections. Is it the desire that the matter reported both by the majority and minority be printed? The question will be upon printing both, if there is no objection. All who are of the opinion that the matter submitted by the majority and minority reports be printed will say aye; those opposed, no. The ayes have it, the reports of both the minority and majority are ordered printed by the convention. Are there any further reports.

SECRETARY. A proposition, Mr. President.

Mr. PRESIDENT. The secretary will read.

SECRETARY. File No. 77, by Mr. Hay, concerning a state examiner.

Mr. PRESIDENT. Gentlemen of the convention, unless otherwise ordered, File No. 77 will be referred to committee No. 3, executive department. It is so referred, Mr. Secretary.

SECRETARY. File No. 78, by Mr. Hay, concerning live stock.

It is proposed that the following provisions be incorporated in the constitution of Wyoming, to-wit:

Sec. 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction of spread of all infectious or contagious diseases.

Sec. 2. The legislature may establish a system of quarantine or inspection and make such other regulations as may be necessary for the protection of stock owners, and most condusive to the stock interests of the state.

Sec. 3. The legislature may, when necessary, appoint such officers as may be required to carry out the provisions of this article.

Mr. PRESIDENT. Gentlemen of the convention, unless otherwise ordered, file No. 78, will be referred to committee

No. 10, on live stock, labor, etc. There being no objection, it is so ordered, Mr. Secretary.

Mr. RINER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Riner.

Mr. RINER. I was only going to suggest that the proposition contained in file No. 77 is already embodied in the report submitted this morning by committee No. 3, in almost the identical language of the file, so it will not be necessary to refer it to our committee. The language is the same, is it not Mr. Richards?

Mr. RICHARDS. Almost the exact language.

Mr. PRESIDENT. File No. 77 has already been referred to the committee on executive department, No 3. Perhaps the better disposition would be to allow the proposition to lay on the table, and come up in connection with the matter reported by the committee for consideration in committee of the whole.

Mr. RINER. I will move that that disposition be made of the matter.

Mr. PRESIDENT. Is there objection to the matter being so disposed of? It is so ordered, Mr. Secretary. The matter will lay on the table, and come up in the regular order of business on the general file for consideration in committee of the whole.

SECRETARY. Report of committee No. 16. Files 36 and 34.

Mr. PRESIDENT. Committee No. 16 report back a substitute for those files concerning the state militia. Is it the desire of the convention that the substitute be printed?

Mr. RINER. Is it not customary when a substitute is reported back that it be read? We cannot tell unless it is read what it contains, and whether we want it printed.

Mr. PRESIDENT. The secretary will read the report.

SECRETARY. Report of committee No. 16.

(See journal page 58.)

Mr. PRESIDENT. What is the wish of the convention as to having the matter reported printed?

Mr. FOX. I move the matter be printed.

Mr. ORGAN. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the matter reported by committee No. 16 be ordered printed. Are you ready for the question? All who are of the opinion that the matter reported be ordered printed, will say aye; those opposed, no. The ayes have it; the matter is ordered printed.

SECRETARY. Report of committee No. 3. Substitute for file 51 and 56.

Mr. PRESIDENT. The secretary will read the report.

(See journal, page 59.)

Mr. HAY. I move the report be ordered printed.

Mr. PRESIDENT. I would remind the gentlemen of the committee that the report states that the original files referred back were returned with the report. The secretary notifies me they are not so returned. The question is now on printing the substitute for the propositions referred to committee No. 3. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the matter is ordered printed.

Mr. RINER. I would say that as my time is so closely occupied, I did not hve time to sit down and do a lot of clerical work, but utilized the original files so far as possible. They are a part of the substitute returned by the committee.

Mr. PRESIDENT. Any further reports, Mr. Secretary?

SECRETARY. Committee No. 29, on revision, reports the substitute for files 19 and 22, properly engrossed.

Mr. PRESIDENT. The two files reported back as correctly engrossed have not been finally passed upon by the convention. Gentlemen of the convention, your committee on revision has reported back files No. 19 and 22, or the substitute therefor, as being correctly engrossed. The question is upon the final reading of the propositions contained in the engrossed copy returned by your committee. All that are in favor of its final reading at this time, and its adoption into the constitution will say aye. The ayes have it; the engrossed copy will be read by the secretary. Final reading of the substitute for files No. 19 and 22. The clerk will read.

(Final reading of substitute for files 19 and 22.)

Mr. PRESIDENT. The question will be upon the final passage of the substitute as read. So many as are of the opinion that the substitute to files No. 19 and 22 be adopted and incorporated into the constitution as a part thereof will say aye, as their names are called; those of the opposing opinion will say no. The clerk will call the ayes and noes.

(See journal, page 59.)

Mr. PRESIDENT. Ayes, 27; noes, 2; absent, 20. Gentlemen, by your vote you have adopted the substitute to files 19 and 22 as a part of the constitution. If there is no other order made in reference to this, the substitute will be referred to the committee on revision. It is so ordered, Mr. Secretary.

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter,

Mr. POTTER. I desire now to move, in accordance with the notice I gave the other day, that when any proposition containing more than one section is before the convention for final reading and adoption, that any member shall have the right to demand that a particular section be voted upon separately. I would like to amend rule 55 by adding that language to it. I gave notice to that effect day before yesterday. It will not be required in every case, but I think every member should have the right to demand it. I think we have just now seen the necessity for such a rule. It compels a member to vote against a proposition that he is in favor of, simply because he cannot support one line it contains.

Mr. PRESIDENT. The secretary will read the notice and the proposed amendment. I think it came in day before yesterday.

SECRETARY. I cannot find it; it must have been mislaid.

Mr. PRESIDENT. Gentlemen of the convention, I have before me a communication from the governor of the territory of Wyoming notifying us as to the time of the proposed visit of the congressional committee on irrigation. The secretary will please read, while Mr. Potter re-writes his amendment.

(See journal, page 60.)

Mr. COFFEEN. I will ask who is the chairman of the committee from this body appointed to confer with this senate committee.

Mr. JOHNSTON. I was about to call attention to that matter, although I have no authority to do it. I would request that the committee be requested to meet after recess to-day.

Mr. PRESIDENT. Resolution of Mr. Potter. Is there a second to the amendment offered by the gentleman from Laramie, Mr. Potter.

Mr. GRANT. Second the motion.

Mr. PRESIDENT. The question is on the adoption of the amendment to rule 55 as proposed by the gentleman from Laramie, Mr. Potter. The secretary will read the proposed amendment again in order that all may understand the proposition presented. Will the gentleman from Johnson, Mr. Burritt, take the chair?

(Mr. Potter's amendment re-read.)

Mr. BROWN. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Brown.

Mr. BROWN. I hope the members of this convention will carefully consider the nature of the proposed amendment to the rules. It is perfectly clear to me that its result will be to hamper and delay business, and not to aid in its discharge. You will observe that rule 55 provides that the final vote agreeing to each proposition and upon agreeing to the instrument as a whole shall be taken by the yeas and nays, and no such proposition shall be considered as agreed to, nor as a whole, except a majority of the delegates present vote therefor. Rule 55 holds good not only as to the final passage of propositions as they may be amended, but to the final action upon the constitution as a whole when presented by the committee on revision, after they have examined it and put it in proper shape for our action. When it comes up in that way every matter, under the rules as they now stand, can be acted upon, every section, every proposition separately, and apart from the instrument as a whole and voted upon by the convention, changed or amended as they see fit, but you will observe by this and other rules that a proposition as a whole, no matter what amendment may be here, that before a proposition as a whole can be voted on and adopted, it must be submitted as a whole, voted on as a whole on the ayes and noes, and the amendment proposed by my friend from Laramie, will not change the matter, as he seeks to by the amendment. If we are not to vote upon these propositions as a whole, we cannot vote upon the constitution as a whole. Does the gentleman desire to so arrange this rule, or change it, so as to prevent our voting upon the constitution as a whole, when it is finally submitted, in one vote?

Mr. POTTER. I don't think the constitution as a whole would be a proposition.

Mr. SMITH. I wish simply to call attention to this fact. We have already spent two weeks upon this work, and we are not getting along with it very fast. As the rules now stand, every section is passed upon singly twice. First in committee of the whole and again in the convention. Why go over it again? We must stop somewhere. Why dispose of it once, simply to have it come up again? If this motion prevails, it will only re-open the question again, and we will never get done. I hope the motion will be voted down.

Mr. MORGAN. The object desired to be obtained by my friend, Mr. Potter, is a good one, but I think it can be reached without any alteration ofthe rules. There will be propositions, I doubt not, contained in the constitution as a whole to which I will have serious objections, propositions contained in these propositions to which I have serious objections, and I will not desire to go on record as voting for them. But I can reach that up to the time of the yeas and nays by offering an amendment. Of course, no member would offer an amendment unless of serious importance, that amendment may be rejected, and the proposition will pass as it stands. I would prefer to settle my record on any of these propositions by exercising the privilege which I have under the rules of this house of having my reason for so voting entered upon the journal at the time the yeas and nays are called.

Mr. HAY. If it is a question of saving time, I am not certain that we will not take up more time by stating our reasons for so voting than it would if we were to act in the way proposed.

Mr. PRESTON. Mr. President.

Mr. PRESIDENT. The gentleman from Fremont, Mr. Preston.

Mr. PRESTON. At the convening of this convention, a committee was selected to draft rules for the purpose of controlling the work of this convention. After nearly two days work, a copy of rules was prepared and presented to this convention, which were carefully considered each one separately by the members of this convention, and I think the time has now come when the rules, which were adopted by this convention, were studied fully and the proper application made of them every question we desire to reach can be reached by them by this convention. The waste of time in the amendment of these rules is getting monotonous to the outside members, and I think if the gentleman who proposes this will study the rules and make a close application of them, the business of this convention can be disposed of in less time than it will if the time is taken up in amending the rules. Therefore, I hope the motion will not pass.

Mr. PRESIDENT. The question is on the adoption of the amendment to rule 55, offered by Mr. Potter. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The noes have it, the motion is lost.

Mr. MORGAN. If in order, I would like to offer a resolution. I appreciate the force of the remarks of the gentleman from Fremont, but notwithstanding that I desire to offer a resolution, which will not change the rules.

Mr. PRESIDENT. If there is no objection, the notice will be received and read.

Morgan's Resolution.—All members shall be limited to fifteen minutes for their first, and five minutes for their second speech, on any question.

Mr. PRESIDENT. If I understand it correctly this is intended as a notice to amend rule 41. The notice will be received, and lie on the table as required on our rules. What is the pleasure of the convention?

Mr. POTTER. I don't think my amendment which was offered took up the time of the house, so far as making the amendment was concerned. I will admit publicly that I don't consider myself nearly as competent to observe these rules as my distinguished friend from Fremont. I have not given them the study, and cannot take up my time doing so. When this question of rules was up before the convention I considered, and still consider that a proposition of more than one section ought to be considered by a single section. The convention has decided that it is not. However, I see the force of the argument the other way, that we can make our amendment in committee of the whole. I offered this amendment because I thought it was a good thing, and not with any wish to delay business at all.

Mr. JOHNSTON. If in order at this time, I would like to call a meeting of the irrigation committee for Tuesday evening in the committe room to the left here. Lights will be provided, and we desire all parties who wish to meet that committee to do so on that evening.

Mr. HAY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Hay.

Mr. HAY. If there is nothing else to engage the attention of the house, I would like to offer a proposition.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Hay, asks the unanimous consent of the house to introduce a proposition. Is there any objection. The chair hears none, the proposition will be received and read.

SECRETARY. File No. 79, by Mr. Hay.

Mr. PRESIDENT. Will the gentleman indicate the committee to which he wishes it referred?

Mr. HAY. I think it should go to the committee on bill of rights.

Mr. PRESIDENT. Proposition No. 79, by Mr. Hay, will be referred to committee No. 1, on preamble and bill of rights, unless otherwise ordered. There being no objection, it is so ordered.

Mr. RINER. If there is no further business before the house, I move we adjourn until ten o'clock Monday.

Mr. IRVINE. Second the motion.

Mr. HOYT. I would suggest that it be made half past ten so that those who are out of town can get in in time.

Mr. CONAWAY. I would ask permission to call a meeting of the judiciary committee immediately after adjournment.

Mr. GRANT. The committee on taxation and public debt will please meet after adjournment to arrange for a meeting.

Mr. JEFFREY. I would like to give the same notice to committee No. 5.

Mr. BARROW. Will committee No. 14 please meet immediately after adjournment.

Mr. FERRIS. Committee No. 10 will please meet as soon as we adjourn.

Mr. PRESIDENT. It is moved and seconded that we do now adjourn until half past ten o'clock Monday. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the convention stands adjourned until Monday morning.

THIRTEENTH DAY.

MORNING SESSION.

Monday, Sept. 16th, 1889.

Convention assembled at 10:30 o'clock, assistant secretary Glafcke called the meeting to order in the absence of the president.

ASS'T SECRETARY. The convention will proceed to appoint a president pro tem.

Mr. CAMPBELL. I move that Mr. Teschemacher be called to the chair to preside.

Mr. GRANT. Second the motion.

ASS'T SECRETARY. Mr. Teschemacher has been named as president pro tem. All in favor of the motion will say aye; contrary, no. The ayes have it, Mr. Teschemacher will please take the chair.

Mr. PRESIDENT. The convention will please come to order. The secretary will call the roll.

(Roll call.)

Mr. PRESIDENT. The secretary will read the journal.

(Reading of the journal.)

Mr. PRESIDENT. You have heard the reading of the journal; are there any corrections? The chair hears none; it will stand approved.

Presentation of petitions and memorials.

Presentation of propositions and resolutions.

As there seem to be no propositions this morning, the next thing is the reports of standing committees, are there any this mornig. The secretary will read the reports in the order presented.

SECRETARY. Report of committee No. 10.

(See journal, page 61.)

Mr. GRANT. I move the report be referred to the printing committee and ordered printed.

Mr. POTTER. Second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready for the question? All in favor of this file being referred to the printing committee will so signify by saying aye; contrary, no. The ayes have it, it is so referred.

Mr. ELLIOTT. It is only the substitute offered by the committee that is ordered printed, is it not?

Mr. PRESIDENT. It is so understood.

SECRETARY. Report of committee No. 16.

(See journal, page 61.)

Mr. PRESIDENT. Gentlemen, you have heard the report of your committee, what is your pleasure?

Mr. GRANT. I move it be referred to the printing committee and ordered printed.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the report be referred to the printing committee. Are you ready for the question? All in favor of so referring it will so signify by saying aye; contrary minded no. The ayes have it; it is so referred.

SECRETARY. Report of Committee No. 4.

(See journal page 61.)

Mr. PRESIDENT. You have heard the report of your committee; what is your pleasure?

Mr. CONAWAY. In regard to this report, the main provisions, or the main subject of this report, the organization of our courts, is a question upon which I understand this convention is divided in opinion, and it may facilitate business to discuss that proposition now as to the organization of our supreme court, and if the convention does not agree with the report of the committee, it would facilitate business to have them say so now, and refer the matter back to the committee with instructions as to what they do wish in regard to this matter. I say this because we have recommended the establishment of a separate supreme court, consisting of different judges from those who constitute the judges of the district courts. I know there is a difference of opinion as to the policy of that method, or that organization of our courts, the principal objection being that very important one of economy. If a majority of the convention is not in favor of a separate supreme court and so expresses their opinion, and wish the present system of a supreme court to be adopted, that is, making the judges of the district court judges of the supreme it would facilitate business to have the matter referred back at once to the committee with recommendations to that effect. We are not aware what the wishes of the majority of the convention are, and if this matter takes the usual course, and we refer it to the printing committee now, we cannot get it back until to-morrow, and perhaps if it is amended in committee of the whole, or referred back to the judiciary committee for revision after that it will take at least one additional day, and it seems to me that t would be a matter of expediency to have an expression of opinion upon its main feature at this time, as to whether or not a separate supreme court is desired.

Mr. GRANT. I move the report of the committee be read so that we may know something about what we are discussing.

Mr. ELLIOTT. I move that the report be referred to the committee of the whole, and have its merits discussed there, and if they see fit, they can refer it back to the judiciary committee.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the report of committee No. 4, be referred to the committee of the whole. Are you ready for the question? All in favor of so referring will so signify by saying aye; contrary minded, no. The ayes have it and it is so referred.

Are there any reports of special committees?

Mr. JOHNSTON. I would like to state that the senate committee which we expected here on Wednesday will arrive tomorrow at about twelve o'clock, and they have requested that they have a meeting here of as large a number of parties as we can secure, and I would suggest that this hall be placed at their disposal to-morrow afternoon, as soon after their arrival here as possible. I suppose a great number of members wish to attend the races to-morrow afternoon about four o'clock. I suggest that we have a meeting here up to that time and make provision for taking them to the fair grounds, if they should care to go. I make a motion that the use of this hall be tendered them for to-morrow afternoon.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It seems to me that you will have to make it a special order, that this hall be tendered to the use of this senate committee and not used at all for the convention. Is that the wish of the special committee?

Mr. JOHNSTON. I think it is the sense of all the members, and that they be given the freedom of the floor, and I believe that it is the sense of all that they be invited here to address us.

Mr. COFFEEN. I think the matter should be carefully considered, so that the committee on reception may know just what is desired.

Mr. PRESIDENT. It is moved and seconded that this hall be tendered by the convention to-morrow afternoon to the senate committee on irrigation. In that case the gentlemen will understand that this convention will either have to adjourn to-morrow afternoon, or hunt up some other hall.

Mr. JOHNSTON. The idea I intended to convey was that the convention be in session when the senate committee arrives, and tender them the use of the hall at that time.

Mr. MORGAN. I would sugest that the convention do not adjourn to-morrow afternoon, but that it assemble here at the hour when the senate committee is expected to arrive, and then, of course adjourn as soon after we have received them as may be deemed advisable. The idea is to receive them formally as a convention, with the president in the chair.

Mr. PRESIDENT. The trouble with all the suggestions is just this. That by unanimous vote of this convention, to-morrow has been made special order for file No. 68, on suffrage and elections, consequently that being the special order on that day, you will have to do away with that before you can take any other action.

Mr. BAXTER. Would it not naturally follow that after the transaction of the routine business, the next thing would be the consideration of the special order of the day. It seems to me that that would be the case, and this matter will properly come up and be discussed the first thing tomorrow, and if we don't get through with it then, it would be the first thing in order for discussion when we assemble again. I certainly think it would come up for consideration the first thing to-morrow forenoon..

Mr. POTTER. There is only one objection which occurs to my mind and that is this. If we adjourn with the understanding that we are to assemble at any hour which they may appoint to meet us, if they are pressed for time they may designate to-morrow night for the hour of meeting, and I am opposed to giving up to-morrow night to the senate committee.

Mr. JOHNSTON. The senate committee have decided to remain here only over to-morrow. They disband here Wednesday morning, and it was at their request that we meet them to-morrow afternoon.

Mr. CAMPBELL. I would suggest that in as much as there is a committe appointed to arrange for the reception of this senate committee, it might be better to have the chairman of that committee make a report, and incorporate in that report whatever plans the committee may deem it best to make, and have the matter come before the convention in that shape.

Mr. PRESIDENT. The special committee have made a verbal report through their chairman. Is there any further discussion on the matter.

Mr. ELLIOTT. In order to bring the matter before the convention, I move that when this convention adjourn to-morrow that it take a recess until 7:30 in the evening.

Mr. GRANT. Second the motion.

Mr. PRESIDENT. It is moved and seconded that when this convention do adjourn to-morrow it take a recess until 7:30 to-morrow evening. Are you ready for the question?

Mr. MORGAN. I trust, Mr. President, that this motion will not prevail. It seems to me the better plan would be something like this. Let us continue our business to-morrow, the convention holding the hall tomorrow forenoon. Let the convention invite these gentlemen here, at whatever hour they may desire, and let the convention be in session and receive them at that time. It would not be the proper thing at all to invite them here and have nobody here to receive them, and I am satisfied that will be the case if this motion should prevail.

Mr. CONAWAY. I think that the intention of the gentleman who made the original motion, and the gentleman who offered the amendment, is the same. The necessity of our acting upon this matter now is that this committee on reception shall understand if this hall is to be the place for receiving this senate committee on irrigation. The hour of their reception seems to be the only matter that we have any difference of opinion about. I assume that there is not a member of this convention who would vote in favor of a recess, and then be absent at the hour appointed for re-assembling. I think, Mr. President, the proper way to receive this committee is for the convention to be in session and the president in the chair, and I desire to offer an amendment to the amendment, and move that this convention do receive this senate committee in this hall at the hour set by the committee on reception.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved and seconded that this convention do receive this senate committee on irrigation in this hall at the hour suggested by this special committee. Are you ready for the question?

Mr. BAXTER. I fully agree with the sentiments just expressed by the gentleman from Laramie and the gentleman from Sweetwater as to the method that should be pursued in receiving this committee, but I do not think that either suggestion will accomplish the purpose desired. I hope that when we adjourn this afternoon the adjournment will be taken until nine o'clock to-morrow morning, in order that we can in that way get in some work to-morrow that will not be entirely wasted, on the special order of the day, and I think it would be best to leave the fixing of any hour for the reception of this senate committee until some time during tomorrow forenoon, when we shall have more explicit information as to the hour of their arrival.

Mr. PRESIDENT. Are you ready for the question? All those in favor of the motion will say aye; contrary minded no. The ayes have it; the amendment is carried. Inasmuch as the amendment to the amendment is carried, and as it entirely takes the place of either the amendment to the original motion, or the original motion itself, no other need be put. Any more reports of special committees.

Mr. PRESIDENT. There is nothing on the general file this morning but the report of Committee No. 4. What is your pleasure, gentlemen?

Mr. ELLIOTT. I move we now resolve ourselves into committee of the whole for consideration of the report of committee No. 4.

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. It is moved and seconded that this convention now resolve itself into committee of the whole for consideration of the report of committee No. 4. Are you ready for the question? All in favor of the motion will so signify by saying aye; contrary minded, no. The ayes have it. The president will call to the chair, Mr. Coffeen of Sheridan county.

Mr. CHAIRMAN. Gentlemen, you are now in committee of the whole for consideration of the report of committee No. 4, judiciary. What is your pleasure?

Mr. CAMPBELL. I would like to hear that report read as I don't know what it contains.

(Reading of report of committee No. 4.)

Mr. CAMPBELL. I don't rise to make any amendment. As I understand the reading of that report there is no provision for an emergency where a vacancy occurs on the supreme bench, there is no way provided for filling an unexpired term. Now, the intention of that report no doubt is not to have two judges elected at one election; now, a vacancy might occur so that two judges might have to be elected at one time, or all three might go out at the same time, something might happen, and something ought to be put in there so that when a judge dies, resigns, or is removed, that the governor should have power to appoint someone to serve until the next election. My idea is not very clear about it, as I don't remember just what is provided for from hearing the bill read over once.

Mr. TESCHEMACHER. I think the gentleman has forgotten why we went into committee of the whole. We can't be expected to remember this whole judiciary bill and consider it without its being printed. We went into committee of the whloe to decide the question whether this convention wanted to have a separate supreme court or not, and if not, to refer back the bill to the judiciary committee to make another bill. That is all we went into committee of the whole for.

Mr. CHAIRMAN. The last statement is correct. The purpose for which this was referred to the committee of the whole, was to get the sense of this convention on the separate supreme court question.

Mr. CONAWAY. I made the suggestion that that point be considered by this convention at the present time in order to expedite business. The question the gentleman has just raised will come up among various other points which will come up in discussion later. But what we want now is to get the sense of this convention we are to adopt a separate supreme court for the organization of our judiciary. If that is the sense of this convention, then let us refer this proposition to the printing committee, but if this convention does not want to adopt that system in the organization of our judiciary, but want the supreme court to consist of the district judges, then this report will have to be modified, and I think it can be done more expeditiously to refer it back at once to the committee on judiciary than to consider it here in committee of the whole.

Mr. MORGAN. I desire to ask the legal fraternity to explain to this committee of the whole the advantages of a separate supreme court, the additional expense and such other matters as they may be able to state, and what are the chief objections to it.

Mr. CHAIRMAN. I would prefer that the discussion and explanations for and against should be done to a motion.

Mr. TESCHEMACHER. To bring this question before this committee I move when this committee rise, it report back to this convention the report of committee No. 4, with the recommendation that it be printed. That motion being carried, would signify that we are ready to take that as a subject for discussion.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. Are you ready for the question?

Mr. CONAWAY. If this convention recommend the printing of the report as made, it will be an expression of their opinion that they will consider the judiciary system in the main as provided for in that report. Then we shall have a separate supreme court, consisting of judges separate and distinct from the judges of the district courts of the proposed state of Wyoming. It has been suggested that we discuss briefly at the present time the different considerations which may be in favor of this system of judiciary, and those which may be urged against it. In considering the matter in my own mind as to the considerations which may properly be urged against this system of judiciary embodied in the report, I could conceive of no single consideration which carries any weight against it, except the single one of economy. Now, in regard to that consideration it is a very important one with us at present, I admit, but is it of importance enough to outweigh the considerations in favor of the proposed system? I am aware that some persons are disposed to look upon this proposition as a kind of pet scheme of the lawyers, in which the general public have not much interest. Nothing can be more erroneous than that. The attorneys in the district courts and supreme courts, in any objection which they may have to a different system of adjudicature, are merely the representatives of the public at large; their interests are not separate or distinct from those of the general public, and what they do or say in criticism of, or in reference to these courts, they speak as the representatives of the general public, and what is for the benefit of the general public is for the benefit of the attorneys. The only object of having a supeme court is to have the benefit of a different tribune, of a higher and better tribune than the one which had jurisdiction to try the case originally. It has been the experience of us lawyers on the committee, that in order to get a fair and unbiased consideration, or reconsideration of a question decided by a court of law, in order to have a real reconsideration of the question of law decided by the lower courts, it is necessary to have a separate supreme court. The judges of the district court are men of the highest integrity, men of great ability, learned in the law, but a judge having made up his mind once upon a question, it will be very apparent to every man, whether an attorney or not, that he stands in a very different position to the question than a judge, of no superior learning, but a judge who has not made up his mind on that question, and it is surprising how many questions there are upon which judges honestly differ. It is absurd to say this separate supreme court is in the interest of lawyers, it is simply in the interest of the ligitants, which means the general public. How often it becomes important to parties in defending their rights to have an appellant court to pass upon questions of the law which have been passed upon by the courts below. It is not important to the lawyers merely, but to the general public that we should have an appellant court, free from a suspicion of bias in favor of either of the parties to an appealed case. Now, the question of economy comes up in opposition to these considerations which must be recognized as valid by all our citizens. The question of economy is important, but we must remember that we don't expect always to be poor. In order to cut off part of the expense, we have agree that the office of attorney general shall be dispensed with. We have agreed also to reduce the salaries of the judges from three thousand dollars, as at present, to twenty-five hundred dollars per annum, which will shut off a portion of the expense, and we have agreed to recommend to the convention, and through them to the people of the proposed state of Wyoming, that the object, the main object of having a separate supreme court, is of more value to the people of the proposed state, that the points in favor of the acceptance of the proposed system, far outweigh any considerations which may be offered against it.

Mr. POTTER. With reference to some portions of this report, it is but just to say that this report has been hastily drawn up after formal and informal discussions between members of the committee, and that few of the committee have seen this report as finally formulated. The main provisions of the report very many, a majority in fact, of the committee have agreed to, but there may be some minor matters in the report to which they object. Now, in regard to this supreme court question, I desire to say a few words. While my inclination owing to the abuse which I believe comes generally from the joining of district judges with the duties of justices of the supreme court, is in favor of an independent court, while I believe that that is the greatest safeguard to the public, if we are going to have any supreme court at all, yet on this matter I believe I stand in such a position that I can vote upon this measure with a desire only to adopt that system which would be the best for the people of the new state, all things considered, and say that if it be thought, or if I shall be convinced that the economical question is one that appeals more strongly than any other to the people , I believe I stand where

I can forego my inclinations about the matter. This is in my judgment one of the most important questions that will come before this body. Now, with reference to the economical question, and that is all I care to speak about. Everyone will admit, I think the convention would be ready to adopt, in case we had our district judges also judges of the supreme court, to adopt four judges instead of three. Then we would have four judges in the territory who would also be judges of the supreme court, who would be paid not less than three thousand dollars each, and who would be elected from their district. That would be four judges. It would then probably be provided that the judge who decided the case in the lower court could take no part in the argument in the supreme court. Now, as against that proposition, economically considered, it would provide for two more judges than the other system would do under any circumstances, I take it. Now, the proposition embodied in the report of the committee provides that the salary of the judges shall not be less than twenty-five hundred dollars a year. I know that this does not meet the ideas of some of the members of the committee, who think that is a small salary for a judge who attends to his duties and has any thing to do. He cannot do anything else, cannot practice his profession if he goes on the bench. Three judges at twenty-five hundred a year would be at an expense of seventy-five hundred dollars a year as against the other system, so that in considering this question economically I think we need go no further. I don't believe, although it has been said that the extra expenses of this supreme court will be considerable. I don't believe that the extra expense will be more than six thousand dollars. That is the way it appears to me.

Mr. CAMPBELL. I believe it has been said that the lawyers in this convention have been talking too much, but as this is a question which they are pretty well informed about, I suppose the convention wants to hear from the attorneys, about it, especially those who are on the judiciary committee. The supreme court as at present organized provides for three judges who shall be what is known as judges, and also supreme court judges. Now, you try a case before the district court, before one of these judges, the party may feel that justice has not been done him, and he appeals his case to these three judges who constitute the sopreme court. Now, he goes to that supreme court with one judge against him. That is, if he is a good judge, and no person has any business to be a judge unless he is a good judge, and under the present system you make your appeal to a court one-third of whose members are dead against you when you make your appeal. What show has the defeated party got? In certain cases you can go to the supreme court of the United States, but in cases involving life and liberty you cannot appeal to the United States supreme court unless there has been a radical departure from all forms and practices of law. Property is dear to a man, but his life and liberty are dearer. You try your case before a judge of the lower court, say it is a murder case, where life is involved, the man feels he has not been justly dealt with, and he appeals his case to the supreme court, one of whose members is dead against him. What show has that man got before that court with one judge already against him? Take it in the matter of property, you cannot go to the supreme court of the United States, under a law recently passed by congress, unless the interests involved in the suit amout to over five thousand dollars, or unless the suit involves the validity of some United States law. Now, ninety- five per cent of the criminal business brought within the territory of Wyoming, and which will be brought in the state of Wyoming, must stop at the supreme court of the territory when you get it there; it cannot go further. Now, there is no use in appealing you may say, gentlemen, you who are familiar with this subject, that you cannot understand why a man cannot get justice in the supreme court as at present constituted. I will give you an illustration why you cannot. About six months ago, Mr. Potter and his partner brought a suit in the Third Judicial District, before Judge Corn, involving the Ticknor-Edmunds law. There is a provision in that law which provides for the right of dower; that all married women shall have the right of dower. It is well known that the right of dower does not exist here, it does exist at common law, but has been abolished by statute here in Wyoming. This law, the Ticknor-Edmunds law, was adopted to protect the first wife of the Mormon. Now, my friends thought that while the statute was a little ambiguous, they believed that the right of dower did exist in the territory and they brought a suit in the Third Judicial District, before Judge Corn, for Mrs. France, widow of the late James France, who made an assignment shortly before his death, with the request that her dower interest be set aside in the real estate. That case was argued before Judge Corn. Judge Corn sits in the next supreme court of the territory of Wyoming. His mind is made up; there is no use appealing to him. Mr. Van Devanter is the chief justice of the territory, and can take no part in that suit whatever. Now there is no necessity for Mrs. France or her attorneys appealing that case to the supreme court unless it involves over five thousand dollars, and they intend to take it to the supreme court of the United States. It is well known to all lawyers that where you appeal to a court which consists of three members, that unless two of the judges decide that the lower judge was wrong the decision stands affirmed. Judge Corn in this case has made up his mind, he has decided adversely to their client's interests; Judge

Van Devanter can take no part. Suppose Judge Saufly, the other member of the supreme court, should say Judge Corn was wrong, the decision of Judge Corn stands affirmed because only one judge says he is wrong. There are a number of cases of that kind. What kind of a court is it that is constituted in that way? What rights have ligitants? It is not the lawyers who are interested in this at all; it is the persons who have business before the courts who are interested; it is to their interest to have a court to review the rulings of the lower court, and if that lower court is composed of judges who sit on the case above, you are simply appealing from one judge to himself again sitting upon that judge. Now, as my friend Gen. Thompson says, there is a sort of free-masonry among the judges in this respect. No judge wants to be reversed; he wants his opinion as once delivered to stand, they feel as Judge Sener said about himself, "When a case of mine is appealed to the supreme court of the territory, I consider myself on trial in that court," and when he said that he was only giving expression to what is the truth in that matter. They are on trial, their opinions are on trial; the decisions that are made are on trial, and while I don't charge, and don't believe there has been a case where judges have traded off at all, yet there is a great temptation to do it, and when one judge has passed his opinion upon a question, as our supreme court has been constituted heretofore, the other judges do not care to reverse one of their associates, if they can help it, and I say they will endeavor to find out some way, some manner in which they can affirm the decision of the court below, and they will often go out of their way, and not meet the point raised in the case at all, but will fly off upon some tangent in order to affirm the decision of the court below. A case was tried before Judge Maginnis; he based his opinion upon a statement of fact I believe. It was appealed to the supreme court, and the judge who decided the case did not touch upon that point at all, but went off upon some other points that had been raised. Now, there is a temptation to do that very thing and we should take the temptation away from them, and have a supreme court, an independent body, for the purpose of reviewing and for that alone, to correct errors and mistakes made by the decision of the court below. Now, in relation to this question of expense. I must say, Mr. President, that I don't believe three district judges are sufficient. I believe we should have four, and that you ought to provide for the expenses of the supreme court judges at least nine thousand a year. It is a principle as old as jurisdiction itself that a good judge will save his salary to ligitants and to the people of the territory. What is nine thousand dollars, compared with the vast interests that may come before the courts for adjudication, and this supreme court, if it constitute an independent body, I venture to say, will save their salary to the people every year, if they are good judges, as they should be. Nine thousand dollars is a mere bagatelle compared to the interests that will come before the supreme court for decision, and it should not be taken into consideration at all. Now, why should we be stingy and stint ourselves in this all important matter, this matter of having our questions of law, and questions perhaps involving our titles to property, our interests in property, and in the lives and liberty of our citizens, why stint ourselves when it is only a matter of nine thousand dollars at best, and I say to wind up, I say that this matter of the supreme court, I consider one of the most vital questions that has come before this convention. Wherever this mongrel court business has been tried it was found to be a mistake, and they have had to correct it. Nebraska, when it started out, adopted this system of a territorial court in its constitution, and they found that it did not work well, and they changed it just as soon as they could. No state ever tried it in their constitution but came back to this principle, and adopted an independent form of a supreme court. You say it is for the lawyers; the lawyers are in favor of it. We don't care anything about it at all, it is a matter for the litigants. I suppose it will put a few more dollars into the pockets of those who have a large practice in the supreme court, and that is confined to a very few lawyers, it would not effect many of us very much, I know it won't make much difference to me.

Mr. TESCHEMACHER. I would like to ask one question of the chairman before I make up my mind. Now, this system provides for three supreme judges and three district judges, now won't the three supreme judges have a soft snap and the three district judges have their hands so full they won't know what to do? Is that not going to be the trouble just at present at least, very little work for the three judges who are going to get three thousand dollars a year, and a great deal for the three who are going to get twenty-five hundred dollars a year?

Mr. CONAWAY. There is a good deal in that. That is one objection we considered, and tried to overcome it to some extent by giving the supreme judges original jurisdiction in matters of the United States court, mandamus and some other rights of that character.

Mr. SMITH. I cannot talk much this morning, but wish to say a few words. Now, considering the difference in the work to be performed this is certainly very much against the district judges, and for the work that will have to be done the compensation will be ample certainly for the first few years of the existence of the state, but I think that that can be remedied. It is in the hands of the legislature to change the compensation in the future. Considering the amount of labor to be performed now, I should favor this, that the district judges should have equal compensation with the judges of the supreme court. That I find one at least of the new states has done; there may be more. Now the fact that a man gets into the supreme court does not make him any better, or more learned, or his services worth any more than a judge of the district court. The district court will want good judges just as well as the supreme court, and both will take the best they can find. As to their ability to perform the work, the greatest labor our district judges have to perform in this territory is traveling in the outer counties. You take in the older states, such as Pennsylvania, New York and Ohio, and all those states, and I will venture that the majority of the judges have more business than the entire amount of litigation there is in this territory. If you were to put all the business of this territory together, one judge could do all the business and not be constantly employed, or anywhere near constantly employed. If it were not for the scattered condition of our counties I, as a member of the committee, should have favored two judges; they could do the work easily if it was not for the extent of country they would have to travel over; the three judges that have been here in this territory have not been employed on an average of half of their time. I say two judges in this territory could do the work and not be under paid, but I think three judges certainly are sufficient, and they can very easily perform all the work in this territory, so the increased expense will not be so great as has been stated by the gentleman from Laramie. As to the reasons why we should have an independent supreme court, he has given them pretty well, and I don't care to say anything except that I endorse every word he has said in regard to an independent supreme court. What is a matter of a few thousand dollars compared with the rights of life and liberty?

Mr. CHAIRMAN. The question is before you, gentlemen. Are you ready for the question? The chair regrets that the sense of this committee cannot be taken by an affirmative motion, but you will understand that it is intended to take the sense of the convention in favor of the establishment of this supreme court. That this committee do recommend that the report of the judiciary committee be ordered printed; are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise and stand until counted—13; those opposed will rise and stand until counted—8 in the negative. The motion is carried. We are still in committee of the whole, unless there is a motion to rise.

Mr. TESCHEMACHER. I move that this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion; all in favor of the motion will say aye; contrary, no. The ayes have it, the committee will now rise.

Mr. PRESIDENT. The gentlemen will please come to order.

Mr. President, your committee of the whole to whom was referred the report of committee No. 4, file No. 50, recommend that the substitute for said file be printed.

H. A. COFFEEN, Chairman.

Mr. PRESIDENT . You have heard the report of your committee, what is your pleasure?

Mr. RINER. I move that the report of the committee be adopted, and the file returned by the committee be referred to the printing committee and ordered printed.

Mr. PRESIDENT. It is moved and seconded that the report be adopted, and that the substitute be referred to the printing committee. Are you ready for the question? All those in favor of the motion will so signify by saying aye; contrary minded no. The ayes have it, it is so referred.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I gave notice a day or two since of my intention to offer an amendment to rules 18 and 19; the amendment I wish to offer is by adding to such sections these words, "This rule shall apply to committee of the whole." My idea in doing this is that in committee of the whole, three members shall have the right to demand a call of the convention. This question was raised the other day, and the chair decided we had no such right. This would also give any five members the right to demand the previous question. I would, therefore, move, sir, that the clause "this rule shall apply to committee of the whole," shall be added to rules 18 and 19.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready for the question?

Mr. POTTER. If that rule is adopted I don't see any reason for having a committee of the whole. What is the object of going into committee of the whole, where debates are not permitted, except that gentlemen may have a free chance to express their opinion in an informal manner, and where you are not bound by the rules of the convention necessarily adopted for the purpose of facilitating the dispatch of business. We have not had any very long speeches in this convention or anything of that kind, but the very object of the committee of the whole will be dispensed with if we pass this amendment, and we might as well never go into committee of the whole at all. I think it would dispense with the committee entirely.

Mr. BAXTER. I am compelled to differ with the gentleman who has just spoken. It seems to me that more than one-half of the time of this convention has been spent in the discussion of these rules. Rule 50 provides that the rules of the committee shall be the same as in the convention, so far as may be applicable; now the other day the chair ruled that the previous question could not be put in committee of the whole. If I entertained any fear that any gentleman, a member of this convention, desired to shut off debate and could be sustained in his position by the assistance of five others assisting him to demand the previous question, when the debate had not gone to that extent when it should be shut off, I should not offer this proposition, but I do not believe such would be the case, and I don't see any reason why this should not apply to the committee of the whole, and think it would facilitate business.

Mr. MORGAN. I see the reasons why the gentleman from Laramie, Mr. Baxter, has offered this amendment to the rules, but at the same time in my judgment it disposes of all necessity for committee of the whole. The purpose of committee of the whole is to have a free interchange of opinion, to express our opinion on propositions here without being required to express that by an aye and nay vote. It is for that purpose. If it is thought that too much time is being consumed, that can be met by a motion that the committee arise. That takes the place of the previous question. Whenever you compel members to put themselves on record, you at once destroy a certain freedom of consideration of any questions brought before them in committee of the whole. It is understood I think whenever a majority think too much time is being consumed a motion that the committee arise will be to the same effect as the previous question.

Mr. BAXTER. The objection of Mr. Potter and the gentleman from Laramie, Mr. Morgan, is directed solely to rule 19, on the previous question. There objection may be sound so far as it refers to rule 18, but take it in connection with rule 18. We had here a few days since in committee of the whole, a decision from the chair which was questioned. It seems to me we should have the right to demand the aye and nay vote, the roll call, in order to settle just such difficulties as that, as we had here the other day, when two or three thought the vote had been announced incorrectly. Now what possible objection can there be to having the roll called when there is any question as to what the decision is? That is the object of the proposed amendment to rule 18.

Mr. PRESIDENT. The very reason why the ayes and noes cannot be taken is that no record is kept on the journal or anywhere else of the proceedings of the committee of the whole, and consequently no record of this aye and nay vote. Whenever the committee of the whole gets into difficulty they can arise, report disorderly conduct to this convention and have some punishment meted out by the convention; but the committee of the whole is no different from any other committee sitting in any of the committee rooms, and there is no record kept of its proceedings at all.

Are you ready for the question? All in favor of amending Rule 18 by saying that "this shall apply in Committee of the Whole" will so signify by saying aye; contrary no. The noes seem to have it; the noes have it; the motion is lost. All those in favor of amending Rule 19 will say aye; contrary minded no. The noes seem to have it, the noes have it, the motion is lost.

Mr. RINER. I move we now take a recess until 2 o'clock.

Mr. PRESIDENT. It is moved that we do now take a recess until 2 o'clock. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it, the motion to take a recess prevails.

AFTERNOON SESSION.

Mr. PRESIDENT. The convention will come to order.

There being no questions pending I will return to the order of introduction of petitions, memorials, etc. Any petitions, memorials, resolutions or propositions? Reports of standing committees? Reports of special committees? There is nothing on the general file, gentlemen, owing to the fact that the printing committee have not seen fit to return to this convention what was ordered printed last Saturday. It seems to me that the business of the convention should not be delayed in that way. If any member of the printing committee is here I would like to hear from him.

Mr. CASEBEER. The chairman of the committee is not here, nor the next member on the list, but I will say that I took the matter to be printed Saturday at 9 o'clock, and it was promised that it would be here at an early hour this morning. Mr. Slack has not returned the files, and I know of no reason.

Mr. PRESIDENT. You have heard the report of the printing committee, what is your pleasure?

Mr. MORGAN. Is there no proposition from a committee in possession of the convention that could properly be taken up and acted upon without printing, something about which there would be no great difference of opinion?

Mr. PRESIDENT. Everything returned this morning was referred to the printing committee, and is now in their hands, and the only return that has been made at all is the one relative to the legislative apportionment, and that cannot come up before the report of the legislative committee. It seems to me that it would be a good thing to send somebody to the Sun office and see whether we will have anything this afternoon.

Mr. CAMPBELL. I move we take a recess for half an hour and someone be directed to go to the Sun office and see if there is anything to be done this afternoon.

Mr. ORGAN. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the sergeant at arms be sent to the Sun office to find out what material, if any, this convention can have to work on this afternoon. Are you ready for the question? All in favor of the motion will so signify by saying aye; contrary no. The ayes have it, the motion prevails. The sergeant-at-arms is so directed.

The question is now that we take a recess of thirty minutes Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention stands in recess until 2:45.

Recess.

Mr. PRESIDENT. The convention will come to order. The sergeant-at-arms has returned and says nothing will be ready before 4 o'clock and perhaps not then.

Mr. RINER. I move we adjourn until 9 o'clock tomorrow morning.

Mr. REED. Second the motion.

Mr. IRVINE. I move to amend by making it 10.

Mr. HAY. I have a proposition which I would like to offer, concerning the salaries of public officers.

Mr. PRESIDENT. If there is no objection the file will be referred to the committee on salaries. Is there objection? The chair hears none, it is so referred.

Mr. RINER. I now renew my motion to adjourn until 9 o'clock tomorrow morning.

Mr. IRVINE. I moved an amendment making it 10.

Mr. PRESIDENT. It is moved that we adjourn until 9 o'clock. Mr. Irvine moves to amend by making it 10. Are you ready for the question? Those in favor of the amendment making it 10 will say aye; contrary minded no; the noes seem to have it. The question is now on the original motion that we adjourn until 9 o'clock. All in favor of the motion will say aye; contrary no; the ayes have it; the motion to adjourn prevails.

FOURTEENTH DAY.

Morning Session.

Tuesday, September 17th.

Convention assembled at 9 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order. Is the chaplin present?

Mr. CAMPBELL. Mr. President, as the chaplin was not here when we adjourned yesterday, I guess he did not know the hour fixed for our meeting this morning, which was 9 instead of 10 o'clock.

Mr. PRESIDENT. If there is no objection we will dispense with his services for this morning. The secretary will proceed to call the roll.

(Roll call; thirty members present.)

Mr. HOYT. I suppose it would be in order to move that those members be excused who were not able to be present yesterday on account of the delay of the train.

Mr. SECRETARY. That was done yesterday, Mr. President.

Mr. PRESIDENT. Are there any corrections to be made to the journal? There being none suggested it will be approved as read. It is so ordered, Mr. Secretary.

Introduction of petitions, memorials, propositions, etc., are now in order. Are there any to be presented this morning?

Reports of standing committees. Any reports this morning?

Mr. JEFFREY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Jeffrey.

Mr. JEFFREY. Committee No. 5 ask leave to submit a supplemental report, in addition to the report already presented by them on elections and the right of suffrage, and ask the privilege for this reason. At the time the original report was prepared there were some matters which it was thought at the time would be incorporated into the bill of rights, but as this matter comes up first the committee ask leave to submit this report, and embody in it these matters which we thought would be incorporated into the bill of rights as I have already stated. We also ask to embody in this report suggestions regarding the addition of another section to the original report made by the committee, and we ask that this supplemental report be considered at the same time with the original report of the committee, and be considered as a part of that report.

Mr. PRESIDENT. The gentleman from Laramie will present his report. Are there any other reports? The secretary will read.

Supplemental report of Committee No. 5.

Mr. PRESIDENT. Gentlemen, the recommendation of the committee is that this supplemental report be considered by the committee of the whole in connection with File No. 68, special order of the day. All who are of the opinion that the matter be so referred and considered will say aye; those opposed no. The ayes have it; the matter is so referred. The secretary will read the other report submitted by Committee No. 10 at this time.

(See journal page 63.)

Mr. PRESIDENT. Gentlemen, the regular order of business having been disposed with for the morning, the special order of the day will now be taken up by the committee of the whole. Is there a motion that we now go into committee of the whole?

Mr. TESCHEMACHER. I move we now resolve ourselves into committee of the whole for the consideration of the general file, special order.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. All in favor of the motion that we now go into committee of the whole will say aye; those opposed no. The ayes have it; the convention is now in committee of the whole. Will Mr. Morgan of Laramie take the chair?

Mr. CHAIRMAN. The question before you gentlemen for consideration today is the report of Committee No. 5, on suffrage. The first section of the report will be read.

(Reading of Sec. 1.)

Mr. CHAIRMAN. Will you agree to the section, gentlemen?

Mr. JEFFREY. The first amendment suggested by thec ommittee in its supplemental report properly belongs in Sec. 1, and is in the language of the original file No.25, introduced by Mr. Baxter.

Mr. CHAIRMAN. Does the gentleman move to amend by adding the words "both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges?"

Mr. BURRITT. I understand that is Sec. 1 as it comes before the committee of the whole.

Mr. CHAIRMAN. Is the committee ready for the question?

Mr. CAMPBELL. I move to amend by making it a separate article, to be separately submitted and voted upon separately by the people.

Mr. REED. Second the motion.

Mr. BURRITT. I rise to a point of order, for the reason that the proposed amendment is not germain to the subject. It does not affect the subject matter at all, but is an entirely different question.

Mr. CHAIRMAN. The chair will decide. The point of order is not well taken because it has to do with matters concerning the right of suffrage, and its submission to the people with this constitution. The question is upon the amendment offered by the gentleman from Laramie, Mr. Campbell. That the question of suffrage, so far as it relates to women, should be submitted in a separate article to the people. Are you ready for the question?

Mr. CAMPBELL. I suppose a great many persons will think because I made this amendment that I am opposed to woman suffrage. If anyone has such an impression it is an absolutely wrong impression. There was a time, before I came to Wyoming, that I was very decidedly opposed to granting the right of suffrage to women. That was an impression that I gained in early youth, and impressions gained at that time are hard to get rid of. I was living in the state of Nebraska at the time the constitution was submitted there, providing that women should have the same privilege of voting as men, and up to that time I was not bitterly or violently opposed to it, but I did not deem it expedient at all. I thought it was a departure from the fundamental principles that had been heretofore established; that it would be very vicious in its tendencies, and at that time I heard the question discussed by the convention of women suffragists, one presided over by Susan B. Anthony and the other Elizabeth Cady Stanton. But the time I first became most interested in this question was during the woman's convention at Omaha, in the year 1882, when I heard the matter discussed as I had never heard it before. A joint discussion was held in the opera house, and was participated in by Phoebie Cozzins and a very bright young lawyer of Nebraska, and I remember very well that one argument he made against granting the right of suffrage to women was that it had been established in the territory of Wyoming, and that it was a failure in the territory of Wyoming. I had never been in Wyoming at that time, and took his statement as correct. He also said that throughout the entire length and breadth of the of the United States you could not find a more lawless condition of things existing then at Rawlins, Laramie City and Cheyenne, and that it was owing to this very fact. That was the expression he used from the stage of Boyd's opera house, in answer to Phoebie Cozzins. I took that statement as true. Soon after the election of 1882, in Nebraska, where this matter was submitted as a separate proposition to the vote of the people, I came to Wyoming, and among the first questions that I asked was whether Cheyenne, Rawlins and Laramie City were as vicious and lawless as I had been led to believe, and I discovered for myself that it was not true. I have seen and participated in several elections since I have been in this territory and I must confess that they have always been conducted in the most orderly manner, still at the same time while I believe it has not worked any great harm, that its tendencies have been good, nevertheless you hear it said throughout the length and breadth of this territory, and I believe I have been in every county in the territory except Johnson and Sheridan, and ever since I have been traveling through the territory I have heard it from persons opposed to women's suffrage that the people of the territory of Wyoming have never been given an opportunity to vote upon this question; that the persons who were sent to the legislature are always afraid to give the people an oportunity to vote upon this question, and I believe that before it should be established as a fundamental law of the new state that the people should have an opportunity to vote upon this question. Now, I have been requested by persons in this city to present this proposition. I have been told that if I did a thing of this kind that I would forever be marked, and the women would not vote for me. I don't care a cent for that. If the thing is fair and right in a matter of that kind I would not give my convictions of what is fair and just for any gift in the hands of the territory of Wyoming, or of the new state of Wyoming, whether it be senator in the congress of the United States or a justice of the peace and I say, Mr. President, that in justice to the persons who want to vote upon this question, it is no more than right that they should be given an opportunity. It has been said that the women here care nothing about having the right to vote; that they have never been given an opportunity to express their opinion about it. Now this amendment will give the women who are in favor of it the chance to say whether they want to vote or not, and the women who are opposed to it will have a chance to vote down this proposition. Now I don't know how this act granting the right of suffrage to women came to be passed by the legislature, but I have heard of it, and the account is something like this. That the legislature that passed this law granting suffrage to women scarcely considered the matter at all, were surprised when it passed, and when the governor signed the act. It was introduced more as a joke than anything else, and at no time was it seriously considered. If I am wrong in my account of the method by which this law was passed, gentlemen who have been in the territory for a long time, who were here at that time, can correct me. Now, if that is so, and the people have never had the chance to vote upon this proposition, and inasmuch as the women themselves will have the right to vote upon it, it is no more than right that the proposition should be submitted to the people, and give them a chance to express their opinions in reference to it. I will say for myself that if the proposition is submitted I will vote in favor of woman's suffrage, but I do say that those who are opposed to it ought to have the chance to say if they shall be given that right. Another thing, Mr. President, we are going to have a pretty tough time getting into the union, no matter what sort of a constitution you present to the people, and if you put a proposition of this kind into the constitution without giving those persons who are opposed to woman's suffrage a chance to express their opinion about it, they will vote against that constitution. I am satisfied they will do it. Again if you submit this as a separate proposition, it is one of the strongest arguments that the advocates of woman's suffrage can use throughout the other states and territories in this union. If you put it into the constitution and do not give the people the right to vote upon it, you will be met by the argument from those who are opposed to it that you have never given the people of Wyoming a chance to vote upon that proposition at all, and it is no argument to say that the majority of the people are in favor of it, for you do not know whether they are or not. You answer and say that they had the chance to reject the constitution. The argument is thrown back in your teeth, that is true, but they were so anxious to come into the union, and there were so many other good provisions in their constitution, that they were willing to submit to that, rather than have the whole thing rejected. If you leave it to the people to decide I have no doubt, from my observation throughout this territory, that it would be adopted by two-thirds, if not more, and you can then go before the legislatures of the different states and say to them, here is this proposition, it was adopted by the territory of Wyoming, has worked there successfully for twenty years, they have adopted it in their constitution as a state, it was submitted to the vote of the people, and here is the verdict of the people upon that matter. It will be the most convincing argument in favor of the question which it is possible to offer.

Mr. CHAIRMAN. Any further remarks upon the amendment?

Mr. BAXTER. In order to make a brief explanatory statement of my position in this matter, I ask to be heard for a few minutes only. We are here for the purpose of framing a constitution for the state of Wyoming. We have been especially honored by the people among whom we live by being delegated to perform this duty. So far as the greater part of our work is concerned we should not be greatly perplexed, because we are traveling over well known ground. From the earliest days of the republic down to the present time the ablest, truest and best men of the several states of this union have been called into the service of the people in formulating into the clearest and most concise language those fundamental principles of liberty, justice and equality, which must of necessity be the foundation of any instrument intended for the government of a free people. It seems to me, therefore, that so far as nine-tenths of our labor is concerned, we have only to exercise an intelligent and discriminating judgment in our study of the work of the constitutional builders who have preceded us. But there are other questions concerning which we shall not find such clearly defined precedents. Questions arising from the evils or the necessities of the day and generation in which we live, and it seems to me that it is in meeting these questions that we shall prove ourselves worthy or unworthy of the confidence reposed in us. I stand here to-day interested perhaps in the question of securing to all the citizens of the state absolute and exact justice in the matter of the elective franchise, and in throwing about the exercise of that right every possible safeguard and protection; interested, I say more than in any other question that shall probably come before this body for its consideration. I have seen in the past, and upon the streets of this capital city, such degredation upon the part of some of the electors of this territory, such open buying and selling for money or official places of importance and responsibility, as would cause the cheek of an honest man to burn with indignation. Those of you whose homes are in some other part of the territory have no doubt witnessed a similar corruption of public morals. It was in the hope that I might in some small degree contribute to eradicating this evil, to the end that this disgrace might no longer attach to the name of our people, that I consented to allow my name to be used as a candidate for election to this body. I am here to assist in the formation of a constitution whose tendency shall be to elevate rather than degrade the citizens of the state. I am here to assist in the formation of a constitution under which integrity of character and personal fitness shall be the first and essential requisites for official station; I am here to assist in the formation of a constitution under which the honorable aspirations of a poor man may stand some chance of realization, even though some unscrupulous and purse proud money bag should be his opponent before the people. The few suggestions which I have had the honor to make to this convention, as worthy to be incorporated into the constitution, have indicated clearly the direction in which lay my special interest in the work which we have in hand. First, securing to every citizen of the state the right to cast his or her ballot, and have it counted; second, purifying our elections so far as may be possible, and third, establishing clearly and beyond question the relations which must exist between the people and certain of their creatures, corporations. Now it happens from the order in which these questions are brought before you, that of the suffrage is first presented for your consideration, and unless I have greatly mistaken the temper of this body I deem it extremely fortunate for us and for the people of the state of Wyoming and fortunate for those who are to come after us that there is no serious division among us on this question. The men of Wyoming do not propose to deny to their wives, their mothers and their sisters the right which the immortal Lincoln and Seward and Sumner and Grant and Chase, raised up by an over-ruling Providence in the darkest hour in the history of this nation, to preserve it from dismemberment, deemed worthy of bestowing upon millions of emancipated slaves. I say, therefore, that it is fortunate that no argument is needed on this question. If it was I see gentlemen on every side of me before whose superior qualifications for such a task I should bow with the greatest deference. But it seems to me that argument is not necessary. I may be permitted to say that no man living holds women in higher esteem than I. While I may not with the same ease and fluency of other gentlemen on this floor give expression to my admiration, I am bold to say I yield to no man in the homage and adoration which I feel and which upon all proper occasions I gladly pay to a pure and lovely woman. But as it seems to me with argument unnecessary and compliment of doubtful propriety, I have risen simply for the purpose of stating my position on this question. I have not been led to declare myself in favor of this measure from any setimental consideration. I am not in favor of it on any ground of sentiment. The man who thinks so has no knowledge of me nor any knowledge of any man who ever bore my name. I am for it, and I believe in it because of that great and overpowering consideration which should influence every man on this floor in casting his ballot, and that consideration is because it is right, because it is fair, and because it is just, and I shall ever regard as a distinguished honor my membership in that convention on which for the first time in the history of all this broad land, rising above the prejudices and injustice of the past, incorporated into the fundamental law of the state a provision which shall secure to every citizen within her borders not only the protection of the courts but the absolute and equal enjoyment of every right and privilege guaranteed under the law to every other citizen.

Mr. CHAIRMAN. Any further remarks on the amendment.

Mr. COFFEEN. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. I did not come here with the wish to say anything on this subject. I had in my own mind arrived at the conclusion that this body of men, sent to formulate a constitution for this proposed state of Wyoming, were already decided upon this question with great unanimity, and were more unanimous perhaps, in favor of woman's suffrage than upon any other question that could possibly come before the convention. I had almost expected that the opposition would not show itself even in our convention. But it has, and it has taken the shape of a proposition to submit this question separately to the people, and the speech made in favor of that proposition has taken the shape of an apology, an apology, before this enlightened convention for making such a proposition. The question as I take it is already settled in the hearts and minds and judgment of the people of our glorious state proposed to be, and shall we stand here today and debate over a question when every elemenet of justice and right and equality in our state is in its favor, when not one iota of weight of argument has been made against it. Shall we stand here in long debate when every word that can be said on this question is in favor of continuing the good results of woman's suffrage which we have already experienced for twenty years in this territory? But I am unwilling to stand here and by vote or word or gesture disfranchise one-half the people of our territory, and that the better half. We have come into this grand and glorious territory, with its grand, magnificent resources, from the varios states of our glorious union, driving along with our wagons and teams, with our families, songs on the lips of our children, prayers in the hearts of the mothers, firm determination on the countenances of the fathers coming into this great free land to build up homes, happy homes, but is it for man alone? No, never. but for man, woman and children alike, yes, for all of God's children alike in this glorious land. I shall not go into the policy or propriety of submitting such a proposition as this now before us to the people of this territory. Shall we stand here and by accepting this proposition sign away all possible chance of our having this constitution ratified by the people? No, let us catch inspiration from the glorious features of nature about us, the grand valleys, the lifting mountains, the reverberating hills, the floating clouds so lovely above them, yes, let us catch inspiration from the beautiful symbols and surroundings about us, and let us incorporate into the constitution of this coming state, for which we all hope so much, a clause giving full, free and equal enjoyment of the rights of suffrage to all.

Mr. CHAIRMAN. Any further remarks?

Mr. HOLDEN. I do not desire at this time to offer any reason why the right to vote should be granted to women; that is not the question before us. The question before us is shall we secure that right by fundamental law? The proposition now under consideration is shall we leave this question to the people of Wyoming to say whether or not the privilege of voting shall be secured to women. Now, Mr. Chairman, I believe that I voice the wishes of the people of Uinta when I say that rather than surrender the right which the women of this territory have so long enjoyed, a privilege which they have not only used with credit to themselves but with profit to the country, in which they live, I say rather than surrender that right, we would rather remain in a territorial condition throughout the endless cycles of time.

Mr. CONWAY. It seems to me that a proposition of such importance as the one under discussion should not be passed over lightly, or without consideration. But at the same time, the sentiment of this convention, and I believe of the people which we represent, is so nearly unanimous, that extended argument or extended discussion, it seems to me, would be a mere waste of time. From my earliest recollection I have been as a boy, and as a man, in favor of woman's rights. Before that question took the form of the question as to the right of suffrage, in my own childish and boyish mind, I had wondered why it was that any woman upon whom the necessity of self support was imposed by circumstances, when that class of women did the same work that a man did, and did it equally well, why they did not receive the same compensation. I was always as a boy and as a man a woman's rights boy and a woman's rights man upon that question. And in reflecting upon that it seemed to me that to deprive women of the right of suffrage, of the right to vote, of the right of expressing their opinion in that way upon public questions, might have something to do with it, and these considerations which appealed to my sense of justice as a boy are stronger today than they were then. It is claimed that a woman who does the same work as a man does not require nor expect the same compensation but I say give her the opportunity to have a voice in these questions. If the proposition of the gentleman from Laramie, Mr. Campbell, was to submit to a vote of the people the question whether his property or my property should be taken from me and given to somebody else; if that was the question there would be no difference of opinion upon the proposition. In Wyoming this right of our ladies has been recognized, has been enjoyed; there is such a thing in law as vested rights, and the decisions of our courts are unanimous that it is not within the power of the legislature even to take away from any person his rights or his property, and to confer them upon another, and it seems to me that is what this proposition proposes to do, submitting to a vote whether we shall take away from one-half of our citizens, and as my friend across the way has well stated, the better half, a certain right, and increase the rights of the other half by so doing. That is what this proposition proposes to do. But I do not, as I said at the outset, think it necessary to discuss this question at length, our time is too precious, many of our members are anxious to get throgh with their labors, and it seems to me that the consideration of this question is more in the nature of a kind of class meeting, for the exchange of friendly words and speeches, than of any argument. Thanking you for the courtesy and kind treatment extended me, I will say no more.

Mr. BROWN. Before saying anything on the question before the house, or rather the committee, now, I wish to pay a tribute to the high integrity of the gentleman who made the motion to submit this question to the people as an independent proposition. I have known him for many years, and I know him to be a man of conscience, and I know when he presents this proposition he presents it in the highest good faith, and although we may differ with him as to to what is right and proper at this time, as members of this convention we can certainly concede to him the highest and best motives which we each and every one claim for ourselves. Having said so much as to this matter, I now desire to call the attention of this committee to another matter. I have heard a rumor, and the rumor has gone forth throughout the territory of Wyoming that there is to be a secret effort made by certain people, from what cause, or governed by what motive, we know not, to defeat this constitution when it shall be submitted to the people, and I have heard it rumored, Mr. Chairman, that the very proposition submitted by my friend from Laramie, Mr. Campbell, is a part of that scheme. I do not attribute it to him in any manner, because I know the gentleman is honest and honorable in its presentation, but inasmuch as this rumor has gone broadcast throughout the territory, to present the matter in this way now is a dishonest and dishonorable scheme. A step further. As a matter of principle I am opposed to the proposition, but I wish now, as one of the early residents of the territory, to call the attention of the convention to the history of legislation in Wyoming upon the question of woman's suffrage. It has been said, and my friend repeats the rumor, that the proposition to give women the right to vote in Wyoming was originally presented in jest. I think the rumor is not well founded. It is well known among the early residents of this territory that the then president, or presiding officer of one branch of the legislature, a Mr. Bright, of the county of Sweetwater, was an honorable and able advocate of the right of suffrage to women, and of granting that right to women. When the legislature, the first in Wyoming, convened at the capital, a lady of this city, Mrs. Esther Morris, presented a bill to Mr. Bright, asking the favorable action of the legislature upon that question. The question was considered by the legislature, and whether or not there was some of its members who treated it as a matter ofj jest, I know not, but that the measure was adopted in serious earnestness there is no doubt. The second legislature of Wyoming convened at the capital and a bill was introduced by a member of that body to repeal the former bill. The question was seriously and earnestly considered in that legislature, and I know the temper of the men who then discussed it, because I was a member of that legislature, and the question of woman's suffrage in that legislature became a political question. It happened that it was presented by a Democrat, some feeling had arisen among the members of the convention and some hostility had grown up amongst them against the executive of the territory at that time because of certain veto measures; growing out of this feeling the party lash was brought down, and after the bill repealing this law had been passed by a majority of the members of the legislature, the governor vetoed it. It came back for reconsideration and the veto of the governor was sustained, notwithstanding the fact that the party lash was brought down upon the backs of members of that convention who were Democratic in their opinion, and by reason of this party lash many of them were forced to vote against their convictions and give their support to the question of woman's suffrage in Wyoming. From that day to the present no man in the legislature of Wyoming has been heard to raise his voice against it. It has become one of the fundamental laws of the land, and to raise any question about it at this time is as improper in my judgment as to raise any question as to any fundamental right guaranteed to any citizen in this territory. I would sooner think, Mr. Chairman, of submitting to the people of Wyoming a separate and distinct proposition as to whether a male citizen of the territory shall be entitled to vote. If we are at this time to discriminate between men and and women as to this elective franchise let us put them upon the same common basis, and let us, if we are to vote as a people upon this question of suffrage, cover the whole ground and not a part of it.

Mr. HOYT. I sincerely regret the occasion for any discussion on this question. I had assumed that a principle so firmly established, and a practice so honorable to the people of this territory, and so long in existence, and so long continued to the satisfaction of all, would have the unanimous approval of a body of men so intelligent, so high minded, so liberal as those who compose this convention. I came here, I may say in all sincerity, with the hope that there would be no occasion for argument; that there would be no occasion for speech making, and I thought it was the wish among the members of this convention that this matter might go to vote without a word unless some proposition demanding our attention should be brought before the convention. The wrong done to the supremacy of women, a wrong begun in the dark ages, was somewhat tempered in the early times by the teachings of the great philosophers, and later was further tempered by the teachings of Christ, that living, working force in society, in which each found a masterly life, worthy of the Great Father of All. In American women rose with the revolution, with the struggle for independence, her services in which secured for her the gratitude of her countrymen, and the admiration of the world. Following this came increase of powers, the rights and privileges which she then enjoyed were increased, and one of the states, one of the original states gave her the right of suffrage from the year 1776 to 1807, when in a manner unworthy of man, it was wrested from her. The war of the rebellion, what examples did it not present of the patriotism and heroism of our women; they were seen in the workshop, in the field of the husbandman, in the office, in the factory, where she toiled to make good the efforts of her husband, brothers, father and sons. How on the field of the dead and in the tent where she watched over the dying, what strength, what tenderness, she displayed. Today we find in the nations of Europe great progress in the interests of women, and in the furtherence of her rights. In Holland, in Sweden, in Austria, in Australia, the right to vote is ceded to her on the ground of a property holder, and in our own land have been made greater concessions. Wyoming stands at the front, she stands upon the summit of this pinnacle, in the progress of women. For twenty years the women of this territory have taken part with the men of the territory in its government and have exercised this right of suffrage equally with them, of the results of which we are all proud. No man has ever dared to say in the territory of Wyoming that woman suffrage is a failure. There has been no disturbance of the domestic relations, there has been no diminution of the social order, there has been no diminuation of the dignity which characterizes the exercise of the elective franchise; there has been on the contrary an improvement of the social order, better laws, better officials, a higher and better civilization. We stand today proud, proud of this great experiment. Why then this extraordinary proposition? After so many years having exercised with us the right of the elective franchise, since the foundation of this territorial government, they are now to be singled out, to be set aside, and the question submitted to a vote of the people as to whether they shall have a continuance of the rights and privileges which have been given to them by the unanimous consent of the people of this territory, and which they have exercised wisely and properly, and as my friend says with profit to the whole territory. This extraordinary proposition to submit to a vote of the people this question of a continuance of what you may call, as has my friend from Sweetwater, a vested right. It appears to me, but I will not impugn the motives, for I agree with my colleague as to the motives of the gentleman who presented this proposition, I cannot question his motives in doing so, but I demand, as a matter of justice, that this proposition should be voted down with an overwhelming vote, and I would that the gentleman had never presented it. It appears to me this proposition cannot have been dictated by anxiety that this territory should suffer by a continuance of this right, and by putting this right into the fundamental laws of the territory, for the reputation which Wyoming has today has been won for her in the great field of woman's rights. It appears to me that it could not have been dictated by any fear lest the people of the territory should vote down the constitution if this provision is in it, for I know from my travels recently throughout the territory and from my travels in years past, that the great overwhelming majority of its people, male and female, in Wyoming, approve of her enjoyment of her rights as they stand under the law today, and would approve of it as an element of the fundamental law of the new state. Now, why; why, I say, if these gentlemen want this constitution adopted, why do they want to put this proposition to a separate vote of the people, when by that very action the constitution itself will be voted down? Again, I believe that this could hardly have been dictated by any fear that congress will reject our constitution because it embodies in it a guarantee of the rights of women, unrestricted in the exercise of her rights and franchises. Now I believe on the contrary that congress would welcome a constituetion embodying a woman's rights platform, would welcome our constitution and our state into the union as the advance guard of liberty in the world. We are told if we put this proposition into our constitution as a fundamental law, by so doing we shall fail to secure the approval of our constitution by the people of Wyoming, and its acceptance by the congress of the United States; but if it should so prove that the adoption of this provision which is to protect the rights of the women of the territory, shall work against our admission, then I agree with my honorable friend from Uinta county, that we would rather remain out of the union until a sentiment of justice shall prevail. But I think, nay, I know, on the contrary, that one-half the members of the congress of the United States are in sympathy with this very principle, and would regard us as a more honorable people, as having done our duty and so respect us, if we incorporate this proposition as a fundamental law into the instrument which we send to them for their approval. I will not detain the house longer, Mr. Chairman, but I feel a deep interest in this matter, because it rises above the other questions which we are to consider, it is a question of rights, a question of human rights. We struggle with propositions on irrigation, on municipal corporations, on education, on railroads, corporations, and other matters, which are indeed important, but how trivial, how subordinate they are when brought into comparison with the great questions of the rights of humanity. Mr. Chairman, I feel for this territory of Wyoming, and for the people of Wyoming, an affection which I cherish for no other part of this round world, greater than I cherish for the state where I spent the prime of my life, greater than for the land of my birth, where as a happy child I played; here I have planted myself with my fortunes, all my present interests and future interests are here, here I have made by sacrifices, and I would not lose my respect for this people, this people whom I have loved, for whom I have lived, and so I make this last appeal, let us not only vote down this amendment which I am sure we shall do by a large majority, but let us do it so completely, so overwhelmingly, so effectually, that the question will no longer rise. We hope to see planted upon this beautiful flag another star, let it be a star whose radiancy shall be undimmed by any act of abandonment or thievery on the part of one-half of the population as dealing with the other half, and as my friend said, the better half of our entire population.

Mr. BURRITT. I protest against the further use of the time of this convention in the discussion of this matter. If I understand the import of the motion that is before the house, the gentleman who made it, my friend from Laramie, Mr. Campbell, did not say that he opposed woman's suffrage, on the contrary he said he was in favor of it, and believed it was right, and would vote for it, but I understood he rose here to defend the right of petition. He has been requested to present to this convention a request of a small minority perhaps in the city of Cheyenne, or in the county of Laramie, among his constituents. They have presented here a petition asking us to submit this as a separate proposition. I had no idea when the gentleman presented it such a tempest in a teapot would be raised. The gentleman destroyed any argument that he made for it in favor of this amendment, which is really the question before the convention, by saying first that woman's suffrage as a principle is right; second, that he would vote for it if presented to the people. And he further said that he was not afraid in defending the right of petition to come before this convention and endorse this proposition to be separately voted upon by the people, and he was not afraid to do it even if it cost him the ladies vote, or any other class of votes in the community. That certainly is very courageous on the part of the gentleman from Laramie, and as one of the citizens of Johnson county, I am equally courageous, and I agree with him, and if there is any one man up in our county who wants to protest against woman's suffrage and will send down a petition, or anything of that sort to that effect, I will rise here and present and give opportunity for my single representative up there to be heard. But I will say this much in addition to that, which the gentleman from Laramie did not say, that as a member of this convention, and believing with my friend here on the right, that this right of suffrage is a vested right, and which it would be wrong and wicked for us to attempt to deprive them of, I have also the courage to rise above the single constituent that I have in Johnson county who is opposed to woman's suffrage, and I know but one, and to rise above the majority of the citizens of Johnson county, if I knew they were opposed to woman's suffrage, and to say that this convention and this state has as much courage as I have, and believing that woman's suffrage is right, this convention has the courage, and this state has the courage, to go before congress and the world with this suffrage plank in its constitution, and if they will not let us in with this plank in our constitution we will stay out forever. I with the gentleman from Laramie, Mr. Campbell, defend the right of petition, and so far as that is concerned I stand with him, but when it comes to vote upon this question. I stand upon a higher and a broader platform, I stand upon the platform of right, and I advocate the continuance of the right of women to vote and hold office and enjoy equally with men all civil, religious and political rights and suffrages, and that it be incorporated as a part of the fundamental law of the constitution of this state, and if we cannot come into the union of states with a platform of right, why then we will stay out and willingly remain in a territorial form of government until all of us have passed away to the grave.

Mr. PALMER. I favor the motion of the gentltman from Laramie. There are a great many voters in the county I represent, Sweetwater county, who are opposed to the principle and idea of woman's suffrage, but still they would like to come into the union of states, and therefore they would like to vote on this matter separately. They will not vote for the constitution if it contains this woman's suffrage plank, and therefore I think it would be expedient if the members of this convention desire this constitution adopted that they give them the right to vote upon this matter separately. I don't think that this is the proper time to discuss whether or not woman's suffrage as a principle is just and right, but I believe that the people should have the right to vote upon this matter separately, so that the interests of the constitution itself shall not be jeopardized.

Mr. CHAIRMAN. Is the committee ready for the question?

Mr. CONAWAY. I had already occupied more of the time of the convention than I intended on this question, and I had hoped that the delegates from Sweetwater county would be unanimous in the matter, but I find that my fond hope is disappointed, and I must say that I cannot agree with my respected colleague, Mr. Palmer, in his view of the question. I do not think that there are many of our constituents who desire a separate vote upon this question, or that the passage of the constitution which we are to submit, would be jeopardized by incorporating this provision, but I did not rise now for the purpose of discussing that question at length, but to call attention to something which happened in our part of the territory. At the last election my respected colleague, Mr. Palmer, and myself were opposing candidates upon the two tickets, and it seems to me that the course he takes now implies great ingratitude, which has been called the basest of crimes. What I mean by this I will now explain. Without making a very active canvass in the matter, it happened that I was at the town of Rock Springs, during the latter part of the campaign, and while there an elderly lady approached me and commenced talking about the election. Of course that made an opening for me to try and ascertain how matters stood in the town in respect to my own prospects, and I asked her the question how she thought I stood among the ladies of Rock Springs, and what proportion of the vote of the ladies I would get? "Well," said she, "I don't know how that will be, but there are so many of these girls," (she had arrived at that age when she called all unmarried ladies girls); "there are so many of these girls who will vote for your opponent simply because he is young and handsome."

Mr. PALMER. I would suggest that if that is the case, that this idea of woman's suffrage is all wrong simply for that very reason.

Mr. CHAIRMAN. Is the committee ready for the question? The question is on the amendment offered by the gentleman from Laramie county, Mr. Campbell, that this question so far as it relates to woman's suffrage, shall be submitted as a separate proposition, to the voters of the territory, and not embodied as a fundamental law in the constitution. All those in favor of the amendment will say aye; those opposed no. The chair is in doubt. All those in favor of the amendment will rise and stand until counted—8. Those opposed will rise and stand until counted—20. The motion to amend is lost. The question now recurs upon the section as reported by the committee. All those in favor of the report of the committee upon this question will say aye; those opposed no. The ayes have it; the motion prevails.

Mr. CHAIRMAN. The secretary will read Sec. 2.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Any amendments to Sec. 2?

Mr. PALMER. I desire to offer an amendment to Sec. 2, by inserting after the word "every" the word "male."

Mr. CHAIRMAN. The chairman hears no second to the motion of the gentleman from Sweetwater; is there a second?

Mr. CASEBEER. I second the motion.

Mr. CAMPBELL. Now that the motion is seconded, I rise to a point of order. The point of order is this. You have favorably passed upon Sec. 1, in which it says "the rights of the citizens to vote or hold office shall not be denied or abridgel on account of sex." Now I say this motion is out of order, for if you should put in that word "male" it would make two inconsistent sections.

Mr. CHAIRMAN. The chair will decide. The motion is to amend by inserting in the first line of Sec. 2 the word "male" after the word "every." The amendment of the gentleman from

Sweetwater is in order. This committee has the power to be inconsistent if it desires to be inconsistent. Are you ready for the question? All in favor of the amendment will say aye; those opposed no. The noes have it; the motion is lost.

Mr. BROWN. I now move that the substitute reported by the committee be voted on instead of Sec. 1 of the printed bill. The substitute will read: "The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges."

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. Is the committee ready for the question that the matter just read shall be substituted for Sec. 1, I believe it is? All in favor of the substitute will say aye; those opposed no. The ayes have it; the motion is carried. The secretary will read Sec. 3.

(Reading of Sec. 3.)

Mr. POTTER. I did not know we were through with Sec. 2. I think there was no vote taken on Sec. 2, but only on the amendment offered by the gentleman from Sweetwater to Sec. 2.

Mr. CHAIRMAN. The gentleman is correct. The chair begs pardon for his mistake. The question is upon Sec. 2. Are you ready for the question?

Mr. POTTER. I move to amend Sec. 2 by striking out the words "six months" and inserting "one year." Is the committee ready for the question? All in favor of the amendment will say aye; those opposed no. A division is called for. All in favor of the motion will please rise and stand until counted —17. Those opposed will rise—9. The amendment is carried.

Mr. HOYT. I desire to offer a proposition which would be a distinct section, defining citizenship. As the term occurs frequently it seems to me that we should know what the term "citizen" means.

Mr. BROWN. It seems to me that we are passing over these matters altogether too rapidly. There are questions here that ought to be considered carefully, instead of rushing along at race horse speed.

Mr. CHAIRMAN. Is there any section which the gentleman wishes recalled? Sec. 2 is still before the committee.

Mr. BROWN. I will intimate the amendment which I wish to make. In Sec 1 we say "the rights of citizens of Wyoming to vote shall not be denied on account of sex." And in Sec. 2 we further say: "Every citizen of the United States of the age of twenty-one years and upwards who has resided in the state six months and in the county wherein such residence is located sixty days next preceding any election shall be entitled to vote at such election." Now under this section everybody is entitled to vote, that is every citizen that is twenty-one years of age, etc., whether he is otherwise disqualified or not. Whether paupers, or insane persons, or whether convicted of crime, or whatever may have happened to them, under this section as it now reads, they are entitled to vote. I would like to ask whether that is the intention of the committee?

Mr. POTTER. Judge, that is provided for further on in this bill.

Mr. ELLIOTT. In order to have the sections entirely consistent, I move to insert at the end of Sec. 2 "except as herein otherwise provided.

Mr. CAMPBELL. Second the motion.

Mr. CHAIRMAN. The motion of the gentleman from Johnson is to amend by inserting at the end of Sec. 2 "except as herein otherwise provided." Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried. Any other amendments?

Mr. HOYT. I now desire to offer a proposition defining citizenship in this state. "All residents of this territory of the age of twenty-one years or over, born or naturalized in the United States, and subject to the jurisdiction thereof (except Indians not taxed and still living in tribal relations), being of sound mind, and unconvicted of crime, are hereby declared to be citizens of this state." This fixes the question as to who are or are not citizens.

Mr. CHAIRMAN. How does the gentleman from Albany sire to have that attached to Sec. 2, or decire it to appear as a separate section, to be known as Sec. 2, renumbering the following sections?

Mr. COFFEEN. Why not make this definition still more definite, and say all residents of this territory whether male or female.

Mr. CHAIRMAN. Does the gentleman from Albany dedesire to have this come in? As a separate section?

Mr. HOYT. That was my idea about it, that it should stand as a separate section. Sec. 1 perhaps.

Mr. CHAIRMAN. Sec. 1 has already been adopted. It would be necessary to change the numbers.

Mr. HOYT. It seems to me that the definition of citizenship should come in before anything else.

Mr. CHAIRMAN. The amendment which the gentleman from Albany desires to have inserted as Sec. 1, and the other sections changed to correspond, is now before the committee. Are you ready for the question?

Mr. CAMPBELL. I think if the gentleman will consider a minute he will find there is an inconsistency in his amendment. There is a well defined difference between the meaning of the words citizen and resident. A man can be a resident of one state and a citizen of another, and a resident of one place, but still a citizen of another place. Now you have both these words in here, without making it clear which is meant, whether a resident shall be a citizen or a citizen a resident.

Mr. HOYT. I would ask whether the word person would cover the ground clearly and satisfactorily?

Mr. CAMPBELL. Now there is one thing more in that resolution to which I want to call attention. The language in relation to persons convicted of crime. Now it is well known in law that a conviction means a judgment upon the verdict of a jury. A jury may return a verdict of guilty and the judge pronounce sentence upon that verdict. Now that is a conviction. An innocent person may be convicted, the jury return a verdict of guilty and the court pass sentence upon him. Future investigations may show him entirely innocent of the crime with which he is charged, and if you put that clause into the constitution as it now stands there is no power residing in the courts or in the legislature to restore that man to citizenship, and yet he is entirely innocent, but as that section now stands it would deprive him forever of enjoying the privileges of citizenship within the state of Wyoming, because he had been convicted of crime.

Mr. BROWN. How would it do to add the words "unless restored to citizenship according to law," after the words "convicted of crime."

Mr. BAXTER. I am entirely in sympathy with the object that Governor Hoyt is trying to reach, but it seems to me that there is a repitition of what we already have here, and that it is unnecessary. There should be no question, and there can be no question as to a woman's being a citizen of the state; it has been passed upon by the courts. Some decision I had access to a day or two since, I forgot the style of the case, as to whether or not a woman is a citizen of a state, the decision held by the court that inasmuch as any citizen can sue another, and that they must clearly establish their citizenship in the state before they can come into court, and inasmuch as women throughout the limits of the United States are frequently parties in a suit, it naturally follows that she is a citizen of the state or she could not come into court. There is no question in the world as to a woman's being a citizen of a state, but citizenship does not carry with it the right to vote. That is not one of the rights of a citizen primarily. In Sec. 1 we provide that every citizen shall be entitled to vote. Now the term every citizen must necessarily include women, and it seems to me it is unnecessary to insert the words male and female in this section. If, however, it is thought necessary to incorporate that section I am in favor of it.

Mr. HOYT. In explanation of the amendment I will simply say that unless I am incorrectly informed the decisions of the courts in Washington territory on this point was to the effect that a woman is not a citizen. The question of citizenship was the very question which disenfranchised the women of Washington territory, the courts holding that she was not a citizen.

Mr. CAMPBELL. Women can be naturalized, and in taking up land in Wyowing they are obliged to declare that they are citizens.

Mr. CHAIRMAN. Any further remarks? The question is upon the amendment offered by the gentleman from Albany, Mr. Hoyt, to make this Sec. 1, renumbering the following sections. Are you ready for the question?

Mr. COFFEEN. I do not wish in any way to appear as opposing the amendment of the gentleman, which I believe is just and right, and I do not think we should be afraid of expressing in this constitution just such things as that. But it seems to me that we ought to have that clause in which provides that persons convicted of any crime may be restored to civil rights, and if the gentleman will insert that I will gladly support his amendment.

Mr. POTTER. It seems to me that we are treading on very dangerous ground. I think the definition of the term citizen is pretty well understood at present, and that if we attempt to define it here we are going to get ourselves into trouble. Circumstances may arise which we cannot now foresee, and it seems to me that we had better leave this whole question of citizenship alone and not attempt to define it, or incorporate it into our constitution.

Mr. COFFEEN. In connection with what the gentleman has said who has just spoken, I want to ask simply this question: Does this article, without the amendment of the gentleman from Albany, defining who shall be citizens of this state, does this article in any place declare who shall be citizens of this state? If it does not declare it, it occurs to my mind that we ought to declare it; but if this proposition is not the proper one, if it is already declared in the fundamental laws of the United States who is a citizen of a state, then I agree with the gentleman who has last spoken.

Mr. TESCHEMACHER. I would like to call attention to the race horse speed to which my friend Mr. Brown referred. We have just been two hours considering two sections, that is one hour to the section. That is not what I call race horse speed. Without any disrespect to my friend Governor Hoyt I think we might as well attempt to define the first letter of the alphabet, what the letter A is, as to try and define what a citizen is. If we declare what a citizen of the state is it is going to be taken right up by the courts, and the United States has already decided what a citizen is, and it will make no difference what we declare. It seems to me entirely unnecessary and a waste of time.

Mr. PALMER. I would like to call attention to Sec. 6 of this file. I presume after reading that section exempting certain persons from the elective franchise, it will be seen that all persons excepting those named in that and the subsequent sections, are entitled to vote, and that it is unnecessary to have this amendment of the gentleman from Albany, attempting to define citizenship, a matter that has caused a great deal of discussion from the earliest days down to the present time. I don't think we are in a position to make any such definition.

Mr. CHAIRMAN. The chair understands that the rights of the women of Washington territory turned entirely upon this question whether she was a citizen or not, and it was because she was not a citizen under any provision of the law that she was excluded from the right of suffrage and it seems to me that while we are about it that we should make this matter entirely safe, and I do not think as the proposition now stands that it is entirely safe.

Mr. POTTER. Are you going to disenfranchise all the children of this state? This says all persons born or naturalized in the United States, of the age of twenty-one years or over. I should like to know if that does not disenfranchise the children?

Mr. BROWN. I would like to ask the gentleman from Laramie, Mr. Potter, a question. I ask that he read the section that we have adopted and say whether in his judgment as it stands it really gives to the women of this territory the right of suffrage? The section as we have now adopted it, and in order that he may understand it, I will read it again: "The rights of citizens of the state of Wyoming to vote and hold office shall not be abridged or denied on account of sex." So far it does not give the right of suffrage to anyone. Let us read further. "Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges." If this section ended with the word "rights" it would give to no woman in the territory of Wyoming any possible right to vote. The right of suffrage is a privilege and not a right at all, and has so been passed upon over and over again. Now the question is whether using the word privilege in that section does in fact give women the right to vote. I am not clear about it myself, and while we are doing these things and mean to give women this right, let us not be uncertain about anything. I am in favor of the proposition presented by the gentleman from Albany.

Mr. POTTER. I referred to the fact that this amendment does not include children. I will read what the supreme court of the United States has to say on this subject: "A child is from its birth a citizen of the state, etc."

Now my position in regard to this matter is simply this: I don't believe this amendment is necessary, and not being necessary, we are liable to get into some trouble about it.

Mr. CAMPBELL. I want to make an explanation before the vote is taken on this proposition. I am in favor of no person voting unless he is a citizen of the United States. Mr. Clark, of Uinta, has decided views on this subject, he believing that a naturalized citizen should have the right, and I think he would like to be heard in the convention on this subject. As he is absent I will pair with him on that subject.

Mr. CHAIRMAN. Any further remarks? I have no desire to hurry matters, but desire to protect every interest, as I think it a matter which should be carefully considered.

Mr. HOYT. I should be very glad to withdraw my amendment if there is any one here who will offer a substitute which will cover the ground perfectly and satisfactorily to all.

Mr. CHAIRMAN. Does the committee desire to proceed, or desire to report progress and ask leave to sit again? The question on the amendment relative to citizenship is still before the committee. Do you desire to move upon that question?

Mr. BAXTER. I don't know whether I am entirely prepared to vote upon the question or not. I want to sustain that amendment if it is necessary. If it is to be a useless repitition I don't think we had better incorporate it into the constitution. I am very much surprised at Judge Brown's declaration as to just what is covered by Sec. 1 as adopted. I have taken some pains to consult with several attorneys in the last few days, and they have all assured me that Sec. 1 as printed here, and which I understand was the first report of the committee, was explicit and could not be misunderstood, and I favored the adoption of the section as originally suggested, and which has been embodied in the report of the committee, simply because it seemed to me the wisest, safest thing that we could incorporate, and that it would unquestionably give to women the right to exercise the elective franchise, but the expression of Judge Brown, in whose judgment I have the greatest confidence, rather shakes my confidence in the advice heretofore received, and simply illustrates the fact that lawyers will differ upon almost any proposition that can be submitted to them. But I would like to hear from the balance of the legal fraternity as to whether or not it is necessary to define what shall constitute a citizen of the state. I had heretofore been assured so unquestionably that no question could arise as to a woman's being a citizen that the proposition already adopted seemed to cover the ground. But if it is not sufficient we ought to make it so.

Mr. HOLDEN. Mr. Chairman, I agree fully with the gentleman from Laramie, Mr. Baxter, that if that Sec. 1 does not secure to women the right to vote that we should not fail to secure that right before we have done with this section. Now while I would not cast my opinion in the balance against the opinion of the able and learned gentlemen in this convention, still it seems to me that this section does secure that right and for the reason that Article XV, Section 1. of the constitution of the United States, says that the right of citizens of the United States to vote shall not be abridged or denied on account of race, color or previous condition of servitude. Now I would like to ask this convention if the word sex had been placed in that section would not the right to vote been secured as it has been secured to millions of enslaved men, secured to women to vote? Now if the language of that section secures the right of suffrage to the colored race throughout the length and breadth of America, the question that presents itself to my mind is this: Does not Sec. 1, which is now under consideration, secure to women the right to vote in Wyoming territory? If it does then there is no necessity for adding anything to it. If it don't I should like to hear the fullest discussion upon this question, for I have not changed my opinion expressed a few moments ago, that we would remain under a territorial form of government throughout the endless cycles of time than surrender the right which my wife and sisters have so long enjoyed, and as Judge Brown said a few moments ago, if we are going to do this thing at all, let us not do it half way, but let us give it to them so there will be no question about it.

Mr. PRESIDENT. The chair would like to ask of some gentleman who knows whether the fifteenth amendment, providing that the right to vote shall not be denied on account of race, color, etc., did not need congressional action to carry it into effect?

Mr. BROWN. Yes.

Mr. CAMPBELL. That amendment is only prohibitory upon the states. It prevents the states enacting laws and doing certain things prohibited by that amendment.

Mr. FOX. I have listened to the discussion of this subject with a good deal of interest, and have read this article through from beginning to end, and I fail to see that this article tells in any place what a citizen is. It tells what a citizen may do, that they shall have certain rights, but what is a citizen. We are forming a constitution for Wyoming, and I think the resolution is proper, and I think it should be the first section in this special article to tell what a citizen of this state is. I think that resolution ought to be fixed in such a way that all natural born children are citizens of the United States; there don't want to be any question about that.

Mr. TESCHEMACHER. I would like to ask the gentleman a question. Mr. Fox, what is a state?

Mr. FOX. I don't know.

Mr. TESCHEMACHER. What is the use of trying to define what a citizen of a state is when we don't know the meaning of the word state.

Mr. FOX. I don't claim to be a dictionary.

Mr. TESCHEMACHER. That is just what we don't want this constitution to be.

Mr. CHAIRMAN. The chair would like to make a remark if permitted by the committee. The question of male suffrage will never be questioned, no matter what we put in this constitution. But the question of female suffrage and citizenship has been questioned by the supreme court of Washington territory, and it is to avoid these difficulties that we should define in this constitution what a citizen of Wyoming is.

Mr. SMITH. The question is discussed here as to the rights of the two sexes. As Judge Brown has said the simple fact that we have stated here that the right of suffrage shall not be denied on account of sex, of course, conveys the right to vote to no one. It does not convey the right of suffrage upon any male citizen; it simply says that you shall not discriminate against one-half of the people of Wyoming in favor of the other half. Is not that everything. The amendment that was attached to this section was one of the original propositions presented to the committee, but the committee did not think it was necessary to put it into this article. There were some of the members who were not satisfied because this was cut out, and when this supplemental report was made it was added to this Sec. 1, but the section was just as good without it. Now as to the amendment; I don't say that there is any particular harm in it, but emergencies may arise, and if you insert this amendment in your constitution it will be impossible to get around them. It seems to me it would be very dangerous to incorporate it.

Mr. HOYT. Will the gentleman state whether the information about Washington territory is correct?

Mr. SMITH. I don't exactly understand what the ruling in Washington was, but it was under the territorial government, and it was under some construction of the territorial statute that they had there taken into consideration in connection with the organic act. No matter what the decision was it was under the territorial laws and not under any provision of the state constitution. I have never seen the decision itself but only saw notices of it in the papers at the time, but it was done under the act conferring the elective franchise and in connection with their organic act.

Mr HOYT. My information is that it all turned on the meaning of the term citizen.

Mr. FOX. I take it that the United States constitution settles this matter. Article XIV says: All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

Mr. HOLDEN. Pursuing the thought suggested by the gentleman from Albany, I desire to call the attention of members of this convention to Sec. 2 of the same article, in which the right of suffrage is there secured to male citizens of the United States of America. The question I ask is the same one I asked when on the floor a few moments ago, if the word "male" did not occur in that section, would not every woman who is a citizen of the United States have the right to vote now, the same as you or I have?

Mr. CHAIRMAN. Any further remarks upon the amendment offered by the gentleman from Albany? Is the committee ready for the question? All in favor of the amendment will say aye; opposed no. The noes appear to have it; the amendment is lost.

The secretary will read Sec. 2.

Mr. RINER. I believe we have not a quorum of the convention present. I rise to a point of order.

Mr. PRESIDENT. The secretary will read Sec. 3.

Mr TESCHEMACHER. I must raise this question of a quorum. The committee of the whole must have a quorum as well as the convention, and there is not a quorum present.

Mr CHAIRMAN. The chair is of the opinion that the question of a quorum cannot be raised in committee of the whole. It is an irresponsible body. The chair will so rule. Are there any amendments to Sec. 2. The chair hears none. The section is agreed to. The secretary will read Sec. 3.

(Reading of Sec. 3.)

Mr. CHAIRMAN. The chair desires to take back his decision made a moment ago; a majority is required in committee of the whole the same as in the convention. Does the gentleman wish to raise the question of a quorum?

Mr. TESCHEMACHER. I think we are considering the most important section that we shall have to consider, the right of the elective franchise in this state, and I think it very necessary that it should be considered by a quorum of the committee of the whole. and I therefore move that this committee do now rise.

Mr. CHAIRMAN. I will just say that committee of the whole is a pretty informal sort of a body, and if the gentlemen don't take interest enough to be here we can't force them to be present. The question is on the motion that this committee now rise, report progress and ask leave to sit again. All in favor of the motion will say aye; those opposed no. The ayes have it; the committee will now rise.

Mr. President:

Your committee having had under consideration File No.

67, on elections and right of suffrage, report progress and ask leave to sit again.

E. S. N. MORGAN, Chairman.

Mr. RINER. I move a call of the house.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT A call of the house is ordered. All in favor of a call of the house will say aye; those opposed no. The ayes have it; the sergeant-at-arms will bring in all absent members.

(Sergeant-at-arms brings in absent members.)

Mr. RINER. As there now seems to be a quorum I move that further proceedings under the call be dispensed with.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. Gentlemen, it is moved and seconded that further proceedings under the call be dispensed with. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion prevails.

Mr. RINER. I move that the convention now go into committee of the whole for the consideration of the report of Committee No. 5.

Mr. FOX. Second the motion.

Mr. PRESIDENT. It is moved that we now go into committee of the whole for consideration of the report of Committee No. 5. If there is no objection before taking the vote on this the sergeant-at-arms will see that the doors are closed and kept closed so that we may have a quorum. There being no objection it is so ordered. The question is now on the motion to go into committee of the whole. All in favor of the motion will say aye; those opposed no. The ayes have it; the house is now in committee of the whole. Will the gentleman from Johnson, Mr. Burritt, take the chair?

Mr. REED. I move to suspend Rule 4.

Mr. CHAIRMAN. The motion is out of order. The secretary will read Sec. 3 of the report of Committee No. 5, on suffrage.

(Reading of Sec. 3.)

Mr. POTTER. It has been called to my attention that according to the wording of Sec. 2 it is possible at our first election no one could vote, if this section is adopted with the word state in there. I have noticed in other constitutions the word territory is used. Of the age of twenty-one years who has resided in this territory six months and in the county one year, etc. I therefore move to strike out the word state and insert the word territory.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved to amend Sec. 2 by striking out the word state and inserting in lieu thereof the word territory. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it, the motion prevails. The secretary will read Sec. 3.

(Reading of Sec. 3.)

Mr. CHAIRMAN. Does the gentleman desire to submit any amendment to this section? If there is no objection it will be considered approved by the committee. The section is approved.

(Reading of Sec. 4.)

Mr. CHAIRMAN. Does the gentleman desire to submit any amendment to Sec. 4? If not it will be considered approved by the committee.

(Reading of Sec. 5.)

Mr. CHAIRMAN. Any amendments to Sec. 5?

Mr. HOLDEN. I desire to offer an amendment to this section, that the words "that this section shall not take effect until July 1st, 1894," the same as is added to Sec. 9 of this file. I think, Mr. Chairman, I don't desire to discuss this matter, but it seems to me that inasmuch as we propose to give a little time to some people, perhaps it would be best to give it to all.

Mr. CAMPBELL. I was just going to suggest that inasmuch as you having deemed it wise to give citizens of the state of Wyoming an opportunity to learn to read, it might be right to give them a chance to be come of age.

Mr. HOYT. I would ask that Sec. 10 of the supplementary report be read.

(Reading of Sec. 10.)

Mr. FOX. I would like to make an amendment to Sec. 5, by striking out the word "full" in the second line. We don't want any half full men, or any full men electors of this state.

Mr. POTTER. Second the motion.

Mr. BROWN. I agree with the gentleman from Albany on the suggested amendment, but not for the same reason. I don't think there are any citizens of Wyoming that get full.

Mr. CHAIRMAN. The question is on the amendment to strike out the word "full" in the second line. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; it is so amended. Any other amendments?

(Reading of Sec. 6.)

Mr. CHAIRMAN. Any amendment to Sec. 6? There being no amendments the section will stand approved by the committee. The secretary will read the next section.

Section 7.

Mr. CHAIRMAN. Any amendments to Sec. 7? If not it will be considered as approved by the committee. It is so approved. The secretary will read the next section.

Section 8.

Mr. CHAIRMAN. Any amendments to Sec. 8? There being none offered, it will stand approved. The secretary will read the next section.

Mr. CAMPBELL. I move to amend by striking out the whole of Sec. 9.

Mr. FOX. Second the motion.

Mr. CHAIRMAN. The motion is to amend by striking out the whole of Sec. 9. Are you ready for the question?

Mr. BAXTER. I move to amend the amendment by striking out the last sentence of Sec. 9, and add to the section as it will then stand "who shall be a citizen of the territory at the time of the adoption of this constitution."

Mr. POTTER. That last amendment is already provided for.

Mr. BAXTER. As that seems to be provided for I move to strike out the last sentence. "This section shall not take effect until 1894."

Mr. CHAIRMAN. Any remarks?

Mr. CAMPBELL. I desire to hear from some other members in relation to this matter. I know several members who are opposed to it, opposed to it as a matter of principle, and I had hoped inasmuch as I had given an opportunity for us to hear from those gentlemen who are opposed to this section, so that we could get before the convention the reasons of the opposition, and as I have waited to give some person an opportunity to get up and explain why he is opposed to it, and as no made the motion I will ask permission to state my reasons for one seems to desire to get up here, and inasmuch as I have opposing this measure. As stated here this morning by a member of this convention, that the right to vote is a right, or a privilege, it don't make a particle of difference so far as the principle is concerned. I don't believe it is a right, and everyone who has ever studied the matter knows that the right of voting is a .... I merely mention this matter of the right to put some of these gentlemen who made this report and claimed it was right, to stand up and be consistent on this proposition and vote by their convictions in the matter. Several gentlemen who have signed this report and claimed that the elective franchise is a right should stand up for the right and sustain the motion now made to strike out this section, and why? If it is a right, you cannot limit a right. If it is a privilege you can limit a privilege. If it is a right no educational qualification should in any way interfere with the right; if it is a privilege, of course you can limit it. But the opposition to this section stands upon broader grounds in my esmation. Every citizen of the United States whether he can read or write is obliged under the constitution and laws, to protect the government and the laws when that government and those laws are in danger. There is no restriction when it comes to the question of protecting the government from a foreign foe, or from internal insurrection, every man whether he can read or write is bound to come to the protection of the flag when in danger, and as old Abe Lincoln said, when he recommended a certain man for a lieutenancy, and he knew that certain officers upon the board would object, because he was not quite as well educated as they, he says: "I want this man put in this position because he is a fighting man, and I don't care whether he can read the alphabet or not." He did not care whether he could read or write, the man was fitted for that position, and could fight for his country, and he did not want to make any distinction as to the place that man should occupy. If a man is obliged to come to the protection of the government, it would be a national disgrace to us, if that man does come to his country's assistance, gets wounded, loses an arm or a leg, and goes back home crippled for life, that we should deprive him of the right to say who shall govern his country hereafter, simply because he cannot read. I suppose, gentlemen, there are certain persons in this territory who fought in the late rebellion, who fought courageously and well, and yet you would deprive him of the right of voting for the governor and other officials of this territory, and yet you would give to the meanest carpet bagger the right to cast his vote over this man, simply because he cannot read. Again, another ground suffrage is based upon is taxation, and even the strongest advocates of a property qualification have never yet been able to get around this, that if you tax a man to support the government they shall have a right to say who shall levy the tax, and who shall disburse the revenue after the tax is levied. Now here are persons in this territory who have been here for years, or who may hereafter come here, they acquire property, they may acquire thousands, millions of dollars worth of property, they may turn thousands of dollars into the treasury to help carry on its affairs, and yet you will deprive these men, simply because they cannot read or write, of the privilege of saying who shall levy these taxes, and who shall disburse this revenue. As long as you ask him to fight for his country, as long as you ask him to pay the expenses of the government, it is a tyranical measure that will say to that man, you shall have no voice in the affairs of your country, you can shed your blood, you can put your hand in your pocket and contribute to its support, but there you must stop, you put upon him all the duties and none of the privileges whatever. Nor, Mr. President, is this all. Experience and observation, at least my limited experience and observation, go to this extent, that it is not the uneducated man who is the ignorant man by any means. The man who cannot read or write, and I have known several, and I know a few in this territory, and I have never yet seen a man in this territory that could not read or write but was an intelligent man, and understood what was going on. Again, it is not the ignorant man who sells his vote, by any means. I challenge any man in this convention, or any man in the territory of Wyoming, to say that the selling of votes, the bribery at elections is confined more to the ignorant man than to the educated man. It is not the ignorant man who sells his vote, it is the man who can read and write who sells his vote. You take an ignorant man and he prizes this privilege of voting, which is the only thing he has, and you cannot buy him. Of course, gentlemen, there are exceptions there are exceptions to all rules, and you may find some here and there, but I say the percentage is larger, in proportion to the number, among educated people than among ignorant people. Now. as a matter of policy, I say right, that for the party to which I belong in this territory, and from which I have received some emoluments, as a matter of policy, it would be better to have this matter stand right where it is. Every man upon this floor knows where the ignorant vote goes, and it will be an immense thing for our party if this provision is left in. Now, wrong in principle, though, and I am opposed to it, and it would be a great detriment to the territory if this should be incorporated as one of the fundamental laws of the state

Mr. BROWN. I have a few words to say upon the proposition to strike out this section. The argument of my friend is the argument often made in favor of universal suffrage. I have said once on the floor of this convention, or committee, that the right of suffrage in my opinion is not a right but a privilege, and I propose to be consistent in that declaration through all. Now considering it a privilege, it is one that we, as a people, may bestow upon such classes of citizens as we see fit. The question then is, as a matter of privilege, how far shall the elective franchise be allowed to extend, and how broad shall be its scope. It is a dangerous question, it is one that has received a great deal of discussion, but this I think will be accepted as a truth by nearly all, that there must be, tion placed upon the elective franchise. The property restriction has been tried in the state of New York and in some other states. In the state of New York, in good old Democratic times, they tried the property qualification as a Democratic measure, and it was found after a few years trial not to be wise, and was cast aside as one of those qualifications that did not work well, in the interests of the government. The educational test is proposed in our constitution as one that may guide and control this question of suffrage. It has been claimed by many, and I think rightly and properly claimed, by gentlemen living in the south, that when our government gave to the black man of the south the elective franchise that they endangered the prosperity of the states lately in rebellion.

What has been the result of the experiment? I may say, I think without fear of contradiction, that universal suffrage in the south has not worked to the highest good and welfare of that country, and if there is any objection to be urged against the measure that gave universal suffrage to the people of that country and of those states, it is based, and must be based, upon the sole proposition of their ignorance. It is bringing into political affairs a man of ignorance that might endanger the welfare of that country. If it is true in the south, for the experience of twenty years has shown that this mass of ignorance armed with the elective franchise, endangers the prosperity of that country, it is time for us to think about it seriously, and to determine whether we will allow the mass of ignorant people of this country to exercise that right, or that privilege, more properly speaking. My friend speaks of the old soldier. I don't believe he has been speaking here in order to gain some political aggrandizement, and yet when Sec. 6 was read, by which insane persons, idiots, persons convicted of crime, unless restored to civil rights, are excluded from the elective franchise, my friend was not heard to object, and yet if you are to say that the ignorant man because he was an old soldier, or was wounded in the defense of his country in its time of need, is to exercise this right, or this privilege, of the elective franchise, then say he shall not be debarred of it because of crime.

Mr. CAMPBELL. Do you class ignorant people with idiots and persons convicted of crime?

Mr. BROWN. I simply say that this argument is not consistent, and he sees it himself. When he says that because a man has fought for his country he is entitled for that reason alone to the elective franchise, then he destroys his argument by having voted to adopt Sec. 5, and there is no getting away from it. How then does this matter stand? We are not to say that a man shall be entitlted to the elective franchise because he has fought in behalf of his country, but we are to say to him that he shall have that right if perchance he is such an one as can exercise it intelligently. I agree with my friend that there are many men who are unable to read and write, who may exercise the elective franchise as well as, and with as full an understanding perhaps, as some of the best educated men in this country, but when you say that it is true as a rule, you say that which I think cannot be sustained. As a rule it is not so; that there are exceptions to the rule no man doubts. No man of any experience among men but can say that he has seen men who although they could neither read nor write yet could exercise this elective franchise intelligently, but they are few. It is the mass of ignorance that we seek to cut off from exercising this right. I say that whether there shall be any restrictions upon the elective franchise except in cases of idiots, insane persons and persons convicted of crime, I say this is a serious question for us to consider, but my own belief is, and speaking for myself solely, I believe that such a provision as is reported by this committee will result in good and benefit to the future state.

Mr. MORGAN. I favor the motion to strike out this section for the reasons given at some length, by Mr. Campbell, and also because I think it is entirely unnecessary and would not accomplish that which the proposition intends to accomplish. In the first place the greatest incentive to education exists now. That man that cannot read, and has had the misfortune in his early youth to be deprived of this privilege, and because he above all must realize the importance of education, and he desires above all things that his children shall be educated at least in the common branches. I have talked with just such men, and learned from them how much they regret their lack of education, and what sacrifices and what hardships they have endured that their children might have a better education than he. In this territory we are in no danger of being overpowered with a mass of ignorance, we have today the least percentage of illiteracy of any of these United States, the danger is not one we shall ever feel, and why then should you attempt to discourage a man by depriving him of the right to vote, or of any other privilege, because he has never learned to read or write, and because he is struggling to overcome that misfortune in his successors; it seems to me to be unwise and unright, and would not accomplish the purpose, and I think it should not be inserted in our constitution.

Mr. HOLDEN. Mr. Chairman, I desire to say a word or two in behalf of the old soldier. He seems to have enlisted the sympathies of my friend from Laramie to a marked degree. It so happens that I was an old soldier. Early in the year 1861 when I felt that my country demanded my services, I left my wife and baby and went to the front. And I remained there until 1864. On the 20th day of December, 1862, I, with about 1,500 others, was at Holly Springs in the state of Mississippi, at the time that place was captured and sacked by the rebel forces under Van Dorn. In view of the fact that they were not able to imprison us, we were all parolled, and while this work of parolling was going on I heard one officer say to another: "Is it not strange, these men all signed their own names?" And I take it, sir, that the men who went out early in the sixties, not because they wanted their little $13 a month but because they felt it their duty as citizens of the United States, not only to give their time, their labor, but if necessary to sacrifice their lives for the salvation of this country in which we live, and I take it, sir, that the men who were thus actuated by these motives were sufficiently intelligent to read the ballot put before them, and there need be no fears on their account. It may be that those who went out later in the fight, it may be that some of those can't read, but I take it that a majority of all the soldiers in the late rebellion can read and write. Again in conversation a few days ago with an official of the general government, he said that during his official career here among the people of Wyoming, where it had been his duty to administer an affidavit to more than twenty thousand of the citizens of this territory, that in all that number there were only twelve persons who had found it necessary to make their mark to the affidavit that they had executed. I think there will be no great trouble about this on the ground of the soldier, but here is a point which we wish to reach. People living along the line of the Union Pacific railroad know that prior to every general election held in this territory, the clerk of the district court will take his seal under his arm, and a bunch of blank naturalization papers in his pocket, and go around to these mining towns and enfranchise a class of people who are unable to read the ballot placed in their hands, and then on the day of election these people are rounded up and voted like so many cattle. Now, Mr. Chairman, what we propose to do is to protect the men who bear the burden of taxation throughout the territory from this sort of thing.

Mr. SMITH. In listening to the remarks of my friend from Laramie, Mr. Campbell, he said a good deal that sounded well, that sounded patriotic, and it did me good to hear him talk in that way. Most of what he said was true, but he did say some things that a great many people will not believe, particularly the remark that as a rule you will find persons that cannot read are as intelligent as persons who are educated. There are people who will not believe that. I know that there are men who cannot read who are intelligent, but that is not the rule. Now as to this question of the elective franchise being a right. It is true that when laws are enacted conferring the elective franchise upon certain persons it becomes a law by virtue of the law enacted, but it is not an inherent right. Without the law it is no man's right, and simply becomes a right when given by law, whatever that law may be. Now then the duty of the law making power is to make laws which will be for the best interests of the whole, and in doing this you may do some injustice to an individual here and there. My friend from Uinta refers to a certain class that are voted as cattle, but that element is not composed of American citizens, and where you find American citizens you find few who can't read and write. The number that would be disenfranchised by this section will be comparatively quite small. The old soldier has also been referred to by my friend from Uinta. I remember in the regiment I belonged to out of a regiment of nine hundred, there was but one man who did not sign his name to the pay roll, and that man was not an American citizen, so if we adopt this section we would debar few American citizens from the right of suffrage, and in doing so you protect them from the vote of that element which it has been said are voted almost like cattle. I believe it is for the good of the whole and for the best interests of the whole, that we place this restriction here as a part of the fundamental law of the state.

Mr. CAMPBELL. I don't know whether I fail to make myself clear in these matters, or whether it is because the persons who speak after me have not a very clear understanding. Now in relation to the old soldier business, I was not a soldier myself, could not have been, because I was not old enough, but I merely cited that as an illustration. Now in relation to the statement that all old soldiers can read and write, I want to say that in the neighborhood I came from three brothers, all citizens of this country, born and raised here and their father and grandfather before them, they all were old soldiers, one lost his limb before Richmond, and none of these boys can read or write, and yet they are as intelligent citizens as we had in that township. I merely cited that as an illustration to illustrate the principle. My friend Judge Brown asks why I did not oppose the section in reference to insane persons, and idiots. I will answer that I am not yet the inmate of an insane asylum, and furthermore I will now ask him, and I did ask him the question, but he did not give a square answer, I asked him if he put insane persons, and idiots and persons convicted of crime upon the same level with men who cannot read the constitution of the United States? I said and I repeat it that men who cannot read the constitution of the United States are not ignorant men. If you place them upon the same plane as my friend Judge Brown places them, then you place the signers of the Magna Charta on the same plane with insane persons, idiots and persons convicted of crime. If he will examine a copy of the old Magna Charta, which was wrung from King John, he will find that two-thirds or three-fourths of these honest old Saxon yeomanry signed their names with a mark. Now, we have here this morning an argument participated in by several gentlemen of this convention, about the meaning of a certain term, the word citizen, and that goes to show how a man may be able to read the constitution of the United States and not understand a word of it, without knowing the meaning of a word form beginning to end, and yet you say simply because a man can read the constitution of the state, while he may get it parrot like, he may go to the polls, and the constitution is placed before him, he has committed it to memory, and can read it off word for word, and not understand a word, you say to that man he can vote, but the man who is intelligent upon every subject, and could understand the meaning of the terms, he shall be deprived of the privilege of voting because he cannot read and write, but you give it to the man who can read the constitution parrot like.

Now, in answer to my friend from Uinta who spoke about the clerk of the court going round with his book under his arm. He can naturalize an intelligent man just as well as an ignorant man, and I don't see any argument in that point whatever. The clerk of the court don't make any distinction between men who can read the constitution of the territory of Wyoming and men who can't. He goes around to make votes for himself and in order to make a little money for himself. If there is such an evil as that the legislature can cure it. If it customary for clerks in the western part of the territory to do this sort of thing it has no bearing upon this question whatever. I repeat what I said when I started out that if you tax a man and compel him to bear a portion of the burdens of citizenship, then that man should have the right to vote, should have the right to say who shall govern the state and what the laws of that state shall be.

Mr. CONAWAY. I desire to remind the committee of the whole that the senate committee on arid lands will be here at 1:30. By action of your convention, and your committee last night, they are at once to be brought to this convention and introduced to your chairman. It would certainly be very wrong, to say the least, to have that committee introduced to empty benches, and I would remind the committee of the whole that it is now twenty-five minutes to one.

Mr. PALMER. I desire to protest against the motion of Mr. Campbell. It is a very sad thing, and a very mortifying thing to an American citizen to be present at an election and see intelligent men and women go up to the ballot box and cast their votes, and have a lot of ignorant fellows, who know nothing whatever of our institutions, go up and offset their votes. That is the way the elections are in the town of Rock Springs, where I happen to reside. I say that it is an outrage that these men who know nothing and care nothing about our institutions, should be allowed to cast their ballots and render neutral the ballot of an intelligent man.

Mr. BAXTER. I am informed that the senate committee will be here at half past one, they will require thirty minutes or more for their luncheon before coming up here, and I hardly think this convention will sit without adjournment until after two, I move therefore that we now arise, report progress and ask leave to sit again.

Mr. HARVEY. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that we now rise, report progress and ask leave to sit again. All in favor of the motion will say aye; those opposed no. The ayes have it and the committee will rise.

Mr. President:

Your committee of the whole having had under consideration File No. 68, on suffrage and elections, report progress and ask leave to sit again.

C. H. BURRITT, Chairman.

Mr. PRESIDENT. Gentlemen of the convention, there is a communication on the table from the governor of the territory, which the clerk will read.

(See journal page 63.)

Mr. BAXTER. I move we take a recess until 2 o'clock.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we take a recess until 2 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will take a recess until 2 o'clock.

AFTERNOON SESSION.

September 17th.

Convention reassembled at 2 o'clock.

President Brown in the chair.

Mr. BAXTER. Mr. Chairman.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I have just been down to the station and while there saw a telegram addressed to Governor F. E. Warren, saying that the irrigation committee would be here about 3 o'clock. There was some discussion down there as to what should be done, and it was finally agreed that the committee appointed from this body, having in charge the entertainment of these gentlemen, should make such arrangements as may be necessary to drive this delegation to the fair grounds and show them such crops, etc., as may be on exhibition there, and have their business meeting with them this evening to discuss the question of irrigation with them. It seems to me, therefore, that it would be proper for this convention to adjourn until some hour tomorrow, and extend an invitation to this senate committee to meet us here at that time, if they care to remain over. Appoint some hour when they can meet us as a convention, but don't ask them to come here and address a lot of empty chairs.

Mr. COFFEEN. I was hoping the motion would take something of this shape; that the president should call us together, and we should be in session ready to receive this senate committee whenever they arrive, and when they are ready to be received, and for this convention to attmpt to dictate or to fix the hour when they shall be received.

Mr. FOX. It seems to me that if we could adjourn until 8 o'clock this evening it would perhaps suit all hands better than to take up the time tomorrow morning with this senate committee.

Mr. McCANDLISH. I think for reasons apparent to the greater portion of the convention that it will be very hard to hold a night session tonight. The chance of obtaining a quorum is very slight.

Mr. MORGAN. It has been suggested that there is no provision for light for a night session.

Mr. BAXTER. I will say that it seems to me of much greater importance that our committee appointed from this convention should have an opportunity to confer with this senate committee and lay before them such facts and information as may be in their possession, than that they should be invited to address this convention. It is certain that the senate committee will be here tonight, but it is not certain that they will be here in the morning, and the committee may only have this evening for its consultation. If they remain over tomorrow they can then be invited to attend the convention.

Mr. COFFEEN. Another point can be made. Your committee from this convention, consisting of one member from each county, to look into this matter, were in session last evening. We received information from the territorial engineer to the effect that at Denver the authorities undertook to delay the reports, and did not get matters into shape to lay before this committee. The committee refused to remain there claiming that it was not their fault that they were not ready, and could not carry on their work, and nothing was accomplished. They have all been away from home for a long time and are anxious to get through their work and go home, and it is very probable that they will not be here tomorrow. Now taking these things into consideration, my impression is that our only chance to receive this senate committee as a convention will be this afternoon, and after the experience in Denver I don't think it will be well for this convention to postpone the matter until tomorrow morning.

Mr. BAXTER. It seems to me that this matter is pretty well understood. It has been stated by a member of this committee appointed to receive these gentlemen that they will be taken to the fair grounds immediately upon their arrival here this afternoon, and that this evening has been fixed as the time for holding their consultation with them, so it will be impossible for us to receive them as a convention this evening.

Mr. McCANDLISH. I move we adjourn until 9 o'clock tomorrow morning.

Mr. REED. Second the motion.

Mr. PRESIDENT. I would like to impress one fact upon the members of this convention before this vote is taken. I am strongly in favor of our receiving this senate committee as a convention, but it seems to me if we are to invite this committee here we don't want to ask them to speak to empty benches, and it seems to me that it would be well to adjourn until such time as we can have a full convention to receive them, if you are going to do it at all, and I don't believe you can do that in one hour or this evening. The motion is on the motion to adjourn until tomorrow morning at 9 o'clock. All in favor of the motion will say aye; those opposed no. The chair is in doubt. All in favor of the motion will rise and stand until counted —13. Those opposed will rise and stand until counted—10. The motion to adjourn prevails. The convention will adjourn until 9 o'clock tomorrow morning.

FIFTEENTH DAY.

Morning Session.

Wednesday, Sept. 18, 1889.

Mr. PRESIDENT. Convention come to order.

The secretary will call the roll.

(Roll call.)

SECRETARY. Seventeen members present, Mr. President.

Mr. ELLIOTT. I move a call of the house.

Mr. PRESIDENT. A call of the house is ordered. All in favor of the motion will say aye; contrary no. The ayes have it, the sergeant-at-arms will close the doors and proceed to bring in absent members.

Mr. TESCHEMACHER. At the request of Mr. Butler, I ask that he be excused from this morning's session. I should have made that request as soon as the roll was called.

Mr. HOYT. I have a similar request to make for Mr. Chaplin, who has been called out on business and asks to be excused for half an hour.

(Messrs. Grant, Baxter, Hay, Johnston, Burdick and McCandlish come in.)

Mr. TESCHEMACHER. I think there is a quorum present and move that further proceedigs under the call be dispensed with.

Mr. HOYT. Second the motion.

Mr. PRESIDENT. So many as are of the opinion that further proceedings under the call be dispensed with will say aye; contrary no. The ayes have it; further proceedings under the call will be dispensed with.

The secretary will read the journal.

(Reading of the journal for the fourteenth day.)

Mr. PRESIDENT. Are there any criticisms to be made to the journal? If not it stands approved. It is so ordered, Mr. Secretary. The committee on preamble and bill of rights, the name of Col. Downey appears as the second member of that committee. It is uncertain when Col. Downey will be present, although expected every day, and if there is no objection, and as the committee desires to do its work and report as rapidly as possible, I would name Ex-Governor Hoyt of Albany to temporarily take the place of Col. Downey, until he shall arrive, if there is no objection. The chair hears no objection, and Ex-Governor Hoyt of Albany will temporarily act in that capacity in the absence of Col. Downey, and until he arrives.

Presentation of memorials, petitions and propositions are now in order; are there any to be presented this morning? Reports of standing committees; any reports?

Mr. GRANT. Committee No. 11 has a report to make.

Mr. HAY. I would like to call attention to the fact that two members signed with exceptions to certain portions of it.

Mr. GRANT. Mr. Hay and Mr. Richards approved of it all with two exceptions, as will be seen in the report.

(See journal page 65.)

Mr. ELLIOTT. I move that the report be referred to the committee on printing, without being read.

Mr. PRESIDENT. The chair would suggest to the convention that we are getting our printing so slowly it may be unwise to so refer it. However, if it is advisable the chair will put the motion.

Mr. ELLIOTT. I think it should be printed; it is very long and it will be absolutely impossible for this convention to consider this matter unless it is printed so we may all be able to understand it.

Mr. PRESIDENT. The question is on the motion to print the substitute reported by Committee No. 11, on taxation, revenue and public debt. Are you ready for the question? As many as are of the opinion that the matter be put into the hands of the printing committee will say aye; those opposed no. The ayes have it; the motion to print prevails. I would suggest to the committee on printing that this matter be put in the hands of the printer as early as possible. Are there any further reports from committees?

Gentlemen of the convention, the business of the morning having been disposed of, we are now ready to go into committee of the whole on the general file.

Mr. MORGAN. Before the motion is put I would like to move that we hold sessions every night this week, commencing at 7:30, except Saturday.

Mr. HOYT. Second the motion.

Mr. PRESIDENT. I wish to state before putting the motion that in accordance with the order of the convention, I extended an invitation to the committee of the United States senate to address the convention. Senator Jones left last night and will not be able to be present, but Senator Stewart remains, and consents to address the convention and suggests such time as may be most convenient to the convention, suggesting, however, that owing to the fair and other matters, that perhaps it would be more agreeable to address the convention in the evening, and names such time this evening as would be most agreeable to the convention. What is your pleasure as to the matter?

Mr. HAY. In connection with that motion, I would like to inquire what arrangements could be made for light?

Mr. PRESIDENT. They had a meeting here last night, and I presume they must have had lights.

Mr. HAY. I presume the arrangement was only made for last night.

Mr. PRESIDENT. I suppose the ways and means committee will have to provide the light. Will the mover of the motion to hold sessions as named fix the same hour, 7:30, for this evening? The chair would also suggest that there is no time set for our morning sessions, and perhaps owing to misunderstanding as to the hour, a great many of our members are absent at roll call. If the gentleman would also include in his motion some time of meeting in the morning, it would be sufficient notice to everyone, and we would not be troubled with so many absentees at roll call.

Mr. MORGAN. I move to insert 9 o'clock in the morning.

Mr. PRESIDENT. The motion, as the chair understands it, is that we hold sessions every evening this week, except Saturday, at 7:30 o'clock, and that our morning sessions begin at 9 o'clock. So many as are of the opinion that the motion as made prevail, will say aye; those opposed no. The ayes have it; the motion prevails.

What is your further pleasure, gentlemen?

Mr. TESCHEMACHER. I move we now go into committee of the whole for consideration of the general file.

Mr. HAY. About this light matter. Mr. Johnston has already had something to do with the lights, and I move that he be requested by the convention to make arrangements for lights during this week.

Mr. PRESIDENT. There being no objection the chair will consider the motion as prevailing by unanimous consent, and Mr. Johnston is appointed a special committee of one to look after lighting the house for the week. It is moved that we now go into committee of the whole for consideration of the general file. So many as are of the opinion that we now go into committee of the whole will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. The chair will call Mr. Sutherland of Albany to the chair.

Mr. SUTHERLAND. I would rather be excused, and let some one more able take the chair.

Mr. PRESIDENT. Will Mr. Coffeen of Sheridan take the chair? We are now in committee of the whole, Mr. Coffeen in the chair.

Mr. CHAIRMAN. The first thing on the file is File No. 68, suffrage, pending the motion of Mr. Campbell, amended by Mr. Baxter. Mr. Campbell submitted an amendment to strike out Sec. 9, Mr. Baxter moved an amendment to the amendment to strike out the last sentence, and insert "this section shall not apply to citizens of Wyoming at the time of the adoption of this constitution." Gentlemen, you have heard the amendment, what is your pleasure?

Mr. ELLIOTT. I would like to ask whether the substance of that is not contained in the succeeding section. I so understand it.

Mr. GRANT. I take it that Sec. 10 covers the ground.

Mr. CHAIRMAN. Gentlemen, the motion before the house is on the amendment to the amendment as made by Mr. Baxter. Are you ready for the question?

Mr. POTTER. I don't know, Mr. Chairman, about the amendment to the amendment. Without giving it much thought it occurs to me that we are providing that all citizens shall have the right to vote. That amendment should not apply to all citizens. All citizens of Wyoming are not voters of Wyoming by a long distance.

Mr. BAXTER. I will explain to the gentleman what my idea is. It seems to me that in adopting this constitution there should be no discrimination made against a citizen of the state who is at the time of the adoption of the constitution a voter under our existing law. That is, everyone shall continue to have the right to vote who shall heretofore have had it in the territory, and instead of fixing some date in the future after which a man unable to read or write shall not vote, my own impression is that it would be better to say "at the time of the adoption of this constitution," after that a man who becomes a citizen shall not vote who has not the necessary qualification; let such discrimination be at the time of the adoption of the constitution, instead of some date in the future.

Mr. PRESTON. Since the very first day of this convention I have been very anxious to return to my home, and it has been far from my intention to take up any of the valuable time of this convention in discussing any of the questions before it for its consideration. Yet there is involved in Sec. 9 a principle which I have been taught from early infancy, and which I feel that in justice to myself I cannot permit to go by without an expression of my opinion in regard thereto. It is true this question involved in Sec. 9 was argued yesterday, it was discussed by some from a political standpoint, while others attempted to fight over several battles in the late rebellion; again, we found the defeated candidates, who were tempted to find fault on account of their defeat. I do not understand that in this question any political question is involved; I do not understand that politics is in any way connected with this section, unless my friend Mr. Baxter is one of those kind of Republicans that believe that Democrats cannot read. We all recognize that in politics it is an honest difference of opinion, and so far as the vote is concerned at Rock Springs and along the railroad, it is a well known secret that the party who controls the floating vote is the Republican party. Politics cut no figure with a man's sins, but there is one political sin, and that is connected with one class of people, and they will have to answer for it on judgment day, and that is the sin of the friend of the foreign capitalist who favors a high protective tariff. Now gentlemen when the declaration of independence was framed by our forefathers, there was a principle embodied in that declaration that said that all men were created equal; that they were created by their Creator with certain inherent rights and, gentlemen, one of those rights is that a man has a right to vote, and to vote as he pleases, whether rich or poor, ignorant or educated. It was not the intention of the framers of the constitution of the United States that a man should be possessed of any other qualifications than that of a citizen of the United States. The abuse here that has been called to the attention of this convention by those people, who it is said at Rock Springs and other places, who have abused the ballot, has not been because they were ignorant, but it has been for the reason that men have been permitted to vote who were not citizens of the United States, and when you put into the constitution of the proposed state a provision that says before a man shall vote he must be a citizen of the United States, then you put all in that constitution in my opinion that should be required of a man in order that he may have equal voice in the affairs of the government of his country. When you undertake to say that a man must be educated in order to vote, when you undertake to say that a civil service commission must be appointed to examine into the qualifications of a man before he can vote, you are placing upon him one of those restrictions which it was not intended ever should be placed upon him by the founders of this country, and I must say to you gentlemen that when you embody in the constitution of Wyoming a clause that says a man must be educated to vote, then you are signing the death warrant of the constitution of Wyoming, and it will never be accepted by the people of Wyoming. For what reason now, in the name of justice, for what reason will you give a man who resides in Wyoming today the privilege of casting his ballot, when the man who comes here after we are admitted as a state, after the year 1895, shall not have that privilege. I understand the main object of pressing the territory into statehood at this time is for the purpose of stretching out our arms and asking people in other states to come and live among us. It has been said by gentlemen who are thoroughly acquainted with all the surroundings of the territory, who knows its resources, who knows what it has, who are well acquainted with the requirements necessary to develop this country, these gentlemen say to you today through the press and on the streets that Wyoming cannot prosper until we are admitted as a state, for the reason that people with capital who live in the east, will not invest their money in this country. Then I say to you gentlemen if you are going to place a restriction upon those who are not living among us, and to say the man who lives here now can vote because he is ignorant, and the man who comes here who cannot read and write is deprived of the privileges that it was intended he should have by the founders of his country; then I say to you gentlemen you are striking the death blow at the future prosperity of Wyoming.

Mr. CAMPBELL. I have the following amendment to offer: "No person shall be entitled to vote who cannot translate Hamlet's Soliloquy into Pennsylvania Dutch."

Mr. COFFEEN. I rise to a point of order. This goes one step too far, to amend an amendment to an amendment.

Mr. CAMPBELL. This is offered as a substitute.

Mr. CONAWAY. I believe the substitute is not seconded, and I arise to address myself to the question before the house. As I understand the way the business now stands, the question was originally upon striking out Sec. 9, providing for an educational qualification to exercise the right of suffrage. Then there was an amendment offered to the amendment, which has just been read, and that amendment is now before the house. I presume that in committee of the whole it will not be considered improper to take into consideration the range of this amendment, as it is necessary in making up our minds how to vote upon the question, upon the amendment to the amendment to consider to some extent the general question of the propriety of an educational qualification being adopted into the constitution as a whole; now I am one who stand with Mr. Clark upon this proposition, opposed in toto to the doctrine requiring an educational qualification for the exercise of the elective franchise at any time in the history of our territory or state. The discussion of this question on yesterday took a very wide range, and was discussed, as has been said, partly from the standpoint of the old soldier, the standpoint of the politician, partly from the standpoint of the defeated candidate, and partly from the standpoint of the foreign born citizen or resident. I do not know that it is necessary in discussing this question that we take any of these special standpoints, but I prefer to discuss it from the standpoint of a citizen or resident of the proposed state, without regard to occupation, or special place of birth. It has been my experience among the communities in which I have lived to find among the people with whom I became acquainted, persons who had the misfortune to receive no education whatever, both of foreign and native birth. It was no unusual thing among our fathers and mothers, with the limited means of education at their disposal in the days when they lived, for people to grow to manhood and womanhood, to live and labor and die without learning to read or write, and there are such people in our territory today, while they are uneducated, some of them unable to write their names, nuable to read a word of English, but they are not ignorant people. They know as much about the current affairs of the times about business, and who are as efficient and useful men and women as we have in our different communities. I know of such people, I am acquainted with such people, I have them in my mind now, I could name them, and I think it would be a great mistake to deprive them of the right of suffrage because circumstances unfortunately deprived them of an education. Many of this class of unfortunate people realize deeply their misfortune in not receiving an education, and I believe it would be a great mistake to deprive them of a right which I believe many of these people, and perhaps a majority of them, exercise as intelligently as any class of people living in the community. That is my opinion upon this question, and it is not always that the wisdom, power and influence given by education are wisely practiced. I think that the qualification for practical knowledge, of good character, honest, moral character, and right intention, would be more important, and much more effective that the educational one. Now while this discussion has taken such an extended range as it has, I will ask pardon for occupying a little more time in illustrating what I mean by an example. The soldiers were referred to yesterday. I remember in the division of the army with which I was connected most of the time, the case of a lieutenant in one of the companies of one of the regiments of our division, who was exceptionally bright, exceptionally well educated, who had studied history and general literature, and who had studied all the military authorities and tactics, he was acquainted with military operations thoroughly, and knew more and could tell more about the tactics, about the principle which should govern everything, about the plans of campaign, and who could discuss all these matters more intelligently than any man of my acquaintance, and he was a nuisance in the army. He occupied all his time in giving advice to everyone, to the officers of the brigade and of the division. He carried this to such an extent that charges were preferred against him for inefficiency, and an officer of the regular army was detailed to investigate whether the reasons for the charge were good and sufficient; the examination was conducted before a board composed of officers of both the regular and volunteer service, but his knowledge of army tactice was so perfect that after a most rigid examination the prosecution failed, and he was allowed to return and destroy the peace and comfort of the entire brigade. I wish to connect that case which came under my own observation, with one which I read of. I read of the case of a sergeant in one of the companies of the army of the east, who in the command of squads of men showed himself possessed of remarkable ability for handling men and accomplishing a great deal, as much perhaps as any man in that portion of the army could with the same number of men, and it happened that this faculty which he had was developed by the fact that the higher officers would detail him with squads of men to go on reconitering expeditions, and on one occasion it happened that in action in a battle a majority of the officers of the regiment to which he belonged were killed, and it devolved upon him to take command of the company, and for a moment the greatest confusion prevailed. The men were discouraged and were about to retreat, but he brought into play that great natural ability which he possessed to handle men, and within a short time he suddenly brought about a complete change of affairs, and he handled those men so well, showed himself so efficient, he was recommended for promotion—that he should have a commission. The recommendation was endorsed by the commander of the regiment and by the commander of the division, and so on up, and sent to Washington. It happened that at that time in the history of our country there was a board of examination appointed for the purpose of examining persons recommended for promotion, and this board, composed of highly educated young men from West Point, took the case of the sergeant and examined him. They asked him what an abbatis was; he did not know, he did not think they were used in his part of the army; they asked him under what circumstances he would form a hollow square of his men; he didn't know; never heard of such a thing; such a thing had never been done where he had been; they asked him several other questions and he could not answer a single one. Finally one of the board asked him: "Suppose you were in action on the field of battle, and the cavalry force of the army should make a charge on your command of infantry, if you should happen to be in command, what would you do?" "What would I do," said he, "Why I would give them hell, that is what I would do." Well, the man did not answer a single question correctly and his recommendation for promotion was sent to Abe Lincoln disapproved. Mr. Lincoln was a man of strong sense of justice, and he knew what the sergeant had done, what he was capable of doing on the field, and he read that report through, question after question, and not a single one answered correctly, and after reading it through he wrote at the bottom: "Give this man a commission." Now that illustrates my view of the impropriety of requiring an educational qualification for the exercise of the right of suffrage. It cannot be required in business, the man without education has the same necessity to engage in some kind of business and make a success of it, if he can, that the intelligent man has, and our failures are not confined to the ignorant men, and I claim that uneducated people are not necessarily ignorant people, that they are as efficient, as well informed as educated people, not only as well informed but that their information and their knowledge or their opinion is of a practical nature, and that they are capable of exercising this privilege of the right of suffrage, nnd every other privilege with at least reasonable efficiency and intelligence, and are just about as likely to be right in the main as the intelligent people are on all questions which come before us for our decision, and I think it would not only be wrong in principle, but that it would be bad policy to put such a provision into our constitution. Of course, considerations of policy are only secondary. If we get at what is right that is the main consideration, but we should not forget that we are considering what is right, that there are some considerations of policy which should guide us to some extent, and which are well worth remembering. I am satisfied that there is a large and respectable vote in the different counties of this territory, which by this provision requiring an educational qualification, will be prevented from giving their support to this constitution, good men and women who would be glad to see Wyoming a state, and who will be citizens of the state whenever it becomes a state. So with these views I am not very particular how these amendments pass, whether they pass or not, but I hope whether amended or not, that the section will be defeated as a whole. I consider it wrong in principle and a mistake at the present time.

Mr. HARVEY. I simply want to declare that my firm conviction of the principle involved in this section is the only principle upon which this convention can afford to go. I don't think that Wyoming at this stage of the world's development can afford to stand on the basis that ignorance is as intelligent as education. I was not in the war, and know nothing about the circumstances of the war personally, but since the war I have followed the trend of this up, and studied the thought, and that the best thought of this country, and it is uniformly agreed that the most serious problem which confronts us is the simple question of the ignorance of the vast hordes that are coming in among us year by year. And I submit it has been agreed one of the best possible means of avoiding this evil is by the adoption of some such a measure as proposed in this section. The argument is a very surprising one, it is simply that ignorant men are wise, just as capable. just as intelligent as educated men. The whole theory of this country from the beginnig up to the present time has been just the opposite. I won't argue such a question as that. Now let us be consistent. We have in adopting this clause allowing women to vote, given them the right of suffrage, not because we thought it right, but because we have become convinced by the experiment, that they are capable of exercising it wisely; that the interests of the state will be promoted by our so doing. We propose, I assume, to adopt what is called the compulsory education clause. Let us be consitent then, let us educate, let us put a premium on education, let us require our voters to fulfil the law by educating themselves.

Mr. TESCHEMACHER. I think that as the author of this provision it is about time I had a chance to get on this floor and defend it. I am perfectly surprised at the arguments made here. It is not such a perfectly unheard of thing in the constitutions of the states of the United States that we should have such a provision. The state of Maine has such a provision, which was passed as an amendment to the constitution of 1780, the amendment was passed in 1820, whereby men should be able to read the constitution, that he should be able to read it in English, and that he should be able to sign his name. The second state was the state of Connecticut, another good old New England state, and in 1855 Connecticut passed an amendment to its constitution that every voter should be obliged to be able to read an article of the constitution of that state. In 1880, I think it was '80, the south fell into line, and Florida came to the front with an amendment to her constitution, an amendment to the effect that after 1880 the legislature must pass laws requiring voters to be able to read, and then, strange to say, this remarkable theory of disfranchising the voter traveled west, and in 1876 Colorado provided that after 1890 the legislature might prescribe an educational qualification. There are four other states, two New England states, one far southern state, and one far western state, who have all thought that an educational qualification was something that might be prescribed as one of the requirements of a voter. My friend, Judge Conaway, who last spoke on the question of the necessity of striking out this provision from the constitution, told us a very good military story, but I did not gather from the story that the sergeant did not know how to read the constitution. He did not know how to form a hollow square, or what to do with a cavalry charge, but so far as his not being able to read the constitution went we did not find that out. Now in the next place I wish to ask the members of this convention what we are proudest of in the records of this territory. It is that the territory of Wyoming, away out in the Rocky mountain region, has the least amount of ignorance of any state or territory in these United States. We have only two per cent of the people in this territory who cannot read and write, and two per cent of the people of this territory is not going to defeat this constitution, so the gentlemen need not be afraid on that score at all. I have always been proud of this, that we only had two per cent, and I want the census of 1890 to show that it has fallen to one per cent, but instead of that, gentlemen get up here and say we had two per cent in 1880, but we are anxious to show a big census in 1890. In some of the states they have thirty-five per cent of the population who can neith- write nor read, let us make a bid for that thirty-five per cent and add it to our two per cent, and become a state a little sooner perhaps than we would if this clause here were to remain. My friend, Mr. Campbell, on the other hand, has made a very able argument that convinced me for a few moments until I began to think it over. He says that while you require a man to pay his taxes you deprive him of his vote. I say that every state in the union, Rhode Island last of all, has said that that is one of the things that has nothing to do with a vote. He don't think it would be proper, because a man is poor and unable to pay his taxes, he should be deprived of his vote; but that is the great argument that my colleague makes; he says that you make a man pay his taxes but you forbid him to vote. I say that taxation and the privilege of suffrage have nothing to do with each other at all, and I will say with my friend what my belief is in regard to this question. I cannot remember the exact words but I will give them to you as well as I can; that it is a good Democratic theory that the broader the foundation the stronger the base the better the edifice and the strongest foundation in any commonwealth is that laid on education and intelligence, and that is what makes a people able to take care of themselves, and pass suitable laws. Now while we appreciate the fact that while universal suffrage is a good thing, it is well to have some kind of a safty valve, and that is just what this educational qualification is, a safety valve in the exercise of the elective franchise; we ouly require that a man shall be able to read the ballot he casts. It is like running an engine although I confess I don't know much about that myself, suppose a man was running an engine and had no safety-valve, but would throw open the throttle and let the thing run full head, and what do you suppose would happen then, I think he would be likely to take his engine where my my friend Judge Conaway-s sergeant was going to take his cavalry.

Mr. MORGAN. I have not given any consideration to the number of people that this section might debar from voting at present, but the time will come, when some persons, residents of this territory, will be preventing from voting by this, I don't care whether in ten years or now. I don't care anything about that. Under this section there would be some men debarred at some time. This provides that they shall be required to read the constitution of the United States, if this prevails, it should be followed up by the establishment of some civil service board to examine persons to find out whether they understand the constitution of the United States, and our institutions, and the different parts of our government. Otherwise it would not accomplish what the gentlemen are trying to accomplish. Another reason suggests itself to me why it should not be adopted. Suppose that I was a candidate for office, suppose that toward the close of the election, and I should be apt to know by that time how the election was going, suposing I should discover late in the afternoon that a majority of the votes yet to be cast would be polled against me, that a majority of the votes yet to be polled would be for the other man, if I was unscrupulous enough, as fast as every man came up to cast his ballot I would call upon him to read that constitution, and I could possibly thereby prevent fifty honest voters who can read from casting their ballots.

Mr. BAXTER. I have been very much interested here in the discussion on this question. It is a matter I had given very little thought to, and I hardly agree with my friend here on the right that we have heard it discussed sufficiently. I don't know that I am prepared to take a stand on this matter until I have a little more information on it. The first thing that occurred to me in submitting that proposition was that instead of fixing some time in the future by which time a man, like a parrot, might be able to say such words before somebody as would enable him to cast his vote, that we had better draw the line an the adoption of this constitution. I have never been in any of these mining towns, my business does not call me there, and while I have little or personal knowedge of the condition of affairs about these mining camps, but I am told that in most of these mining camps there is a large population whoare not men of sufficient intelligence to know how they should vote, and the question as to how they should vote usually exercises little influence with them, and if that is a fact it seems to me that they should not be allowed to counterbalance the vote of a thousand, or two thousand, or three thousand, whatever it may be, who do vote intelligently and on conviction, and it was with the idea of reaching that class, and of not doing an injury to any man, that this suggestion of mine was made. I belive that every citizen of the state should have the right to vote who has enjoyed the right under the territorial form of government. I cannot recall to mind a half dozen men who cannot read or write, but I agree fully with Judge Conaway in the declaration that you will find among people of this class many worthy citizens, men of ability, and it would be a great hardship to deprive them of this right. My idea is not to do that. Every man who has up to this time enjoyed the right should continue to enjoy it under this constitution, but we should make some provision by which hundreds of people who apparently have no sympathy with our institutions, no intelligence, and as has been said time and again, have been herded together and voted like cattle, we should make some provision which would reach that class. I am opposed to that class if they happen to be here long enough to be qualified under the time qualification, I am opposed to that class being allowed to cast their vote and in so doing counterbalance the vote of those who vote upon conviction.

Mr. HOYT. As one whose name is sighed to this proposition I think it my privilege to say a few words. I want to say at the beginning that I want it distinctly understood by every member of this convention that this is a measure proposed with reference to the future. We all have pride in our population, in the intelligence of our people, and no member of this convention would deprive any citizen of the rights he has already enjoyed. But we are looking to the future. Accordingly we have provided in this Sec. 9 that all who have enjoyed the privilege shall continue to enjoy it so long as they live, but in order to prevent an influx of the foreign element in the future, who are unable to understand our institutions, and who are incompetent to stand by and uphold them, and promote the general welfare, to prevent this class of people coming into our territory is the reason that we propose this Sec. 9. I prefer education of mind to anything else. I believe in education. I believe while intelligence is the pulse, education is the vibratory, vital force which we feel, and we here have the right to protect our state as to the future. The first great duty of every government is to look to the security of the state. The inconsistency which has been referred to, of supporting woman's suffrage and of discriminating against the illiterate, I say there is no argument in that. Both acts are based upon this theory, this doctrine of the security of the state. We give women the elective franchise because we believe it will promote the security of the state, because they are as intelligent as we are, and will promote the welfare of the state. W refuse it to the illiterate because they are incompetent voters. If the women as a class were less intelligent than they are, less competent to exercise that right, as a friend of the state, of its future success, and future welfare, I would have voted against woman's suffrage. I voted for it because I believed they would promote the welfare and security of the state and I deny it to the illiterate man because I believe his exercise would be opposed to the welfare of the state. That is the ground upon which I stand. Now then, Wyoming having taken her place at the front in the matter of intelligence, in the matter of liberty and equality and justice to all her people, I desire that she shall hold her place at the front of all the states in the galaxy of states. It is known to every man on this floor that seventy-five per cent of the emigration comes west of the Mississippi river, and when the agricultural lands lying along the Mississippi and Missouri have been occupied, there will come a mighty tide to these mountain regions, and we will be flooded by people from the old world, without knowledge of our institutions, without ability to read our constitution, or without ability to govern themselves, and so we will say to all such people "See, we give notice to the world that five years hence it will be impossible for you or any man to cast his ballot unless he can read his ballot. All citizens now enjoying the right can continue to enjoy it, but we give notice to the world that we want no illiterate men, no ignoramuses, but we want men of intelligence. What an influence this will have upon the people seeking homes in the mountains, when they see this notice, "No men wanted in Wyoming who cannot read the ballot he casts; go to other states but come not here." This will secure to us in the future an intelligent population, which will insure the prosperity and success of the commonwealth.

Mr. BROWN. I would like to understand exactly how we are to vote. I understand that the amendment offered by the gentleman from Laramie, Mr. Campbell, was to strike out Sec. 9 entirely. Then the gentleman from Laramie, Mr. Baxter, proposed an amendment to the motion to strike out the latter part of the section, as I understand it,and also included in that motion a motion to insert matter into the section after striking out "until 1894," and insert "at the date of the adoption of this constitution." That is, after the adoption of this constitution, if a man becomes a citizen of Wyoming, if he cannot read or write he cannot vote. If the motion to adopt the amendment to the amendment offered by Mr. Campbell prevails, his motion is practically defeated. I wish to say, in a word, that I am in favor of the amendment; that is to strike out the latter part of the section as reported by the committee, and add the words "at the date of the adoption of this constitution." I only wish to say at this time in answer to some statements presented by different gentlemen upon this floor, that I do not agree with them. It has been suggested that this proposition has been considered from the standpoint of the defeated candidate, from the standpoint of the successful candidate, from the standpoint of the politician, from the standpoint of the soldier, and I don't know from what other standpoints. I don't take any stock in any one of them, I don't believe any gentleman on the floor of this house has presented any suggestion from any of these standpoints, and I wish to say now if there is a man upon the floor of this convention who proposes to act from any such influence, and not upon his conscience as to what is best for the new state, I have not much respect for that man.

Mr. CHAIRMAN. The question is on Mr. Baxter's amendment to Mr. Campbell's amendment. Are you ready for the question?

Mr. TESCHEMACHER. We can not vote upon that, it comes in conflict with the very next section.

Mr. POTTER. In my judgment the amendment is not in order. I think it so changes the original motion as to make it an entirely new amendment. It, seems to me that we are in a very confusing situation. I am in this position: I would vote for this amendment if I thought the other would not carry. I want to vote for Mr. Campbell's amednment, and I must vote against this amendment. If Mr. Campbell's motion did not carry I would be in favor of this amendment.

Mr. TESCHEMACHER. If the gentleman from Laramie, Mr. Baxter, will withdraw his amendment and let us vote on the original question, then he can amend it afterwards.

Mr. BAXTER. I withdraw it.

Mr. CHAIRMAN. Mr. Baxter has withdrawn his amendment, and the question will be upon Mr. Campbell's motion to strike out Sec. 9. Are you ready for the question? All in favor of the motion will say aye; contrary no. A division is called for. All in favor of striking out will rise and stand until counted—12. Those opposed will rise—22. The noes have it; the motion is lost.

Mr. CHAIRMAN. We are now in consideration of the section as it stands. The gentleman who withdrew his motion can now restore it if he so desires.

Mr. BAXTER. I move to amend Sec. 9 in the manner suggested before. That is to strike out the last sentence and insert "at the time of the adoption of this constitution."

Mr. CAMPBELL. Just see in what an inconsistent position they place themselves. Simply because a man is ignorant and happens to live here at the time of the adoption of the constitution is to have greater privileges than a man who is ignorant and comes here after the adoption of this constitution. Do the gentlemen see their inconsistency? That is what is proposed in that amendment.

Mr. TESCHEMACHER. The gentleman is not speaking to the question.

Mr. CHAIRMAN. All those in favor of striking out the last clause and inserting the words "at the time ofthe adoption of this constitution," will please say aye; those opposed no. The noes seem to have it ;the noes have it; the motion is lost.

Mr. POTTER. I desire to offer an aamendment to Sec. 9, by commencing the said section with the words "The legislature may provide by law that." Not that the legislature shall provide, but that they shall have the right to provide.

Mr. FOX. Why not say the legislature "shall."

Mr. POTTER. Because I don't want it to.

Mr. CHAIRMAN. All those in favor of this amendment will say aye; contrary no. The noes have it; the motion is lost. Any frurther amedments to Sec. 9?

Mr. FOX. I have a section which I wish to offer as Sec. 10, and Sec. 10 as here in the printed bill shall be numbered 11. "No person qualified to be an elector of the state of Wyoming shall be qualified to vote at any special or general election hereafter to be holden in this state until he or she shall have registered as a voter according to law. The first legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amednment, but shall never be repealed."

Mr. HAY. I just want to say a word. We have not finally acted upon Sec. 9. We voted upon the amendment but not upon the section itself, and I therefore move that Sec. 9 be adopted.

Mr. CHAIRMAN. The chair begs pardon, he did not mean to pass over any section. All in favor of adopting Sec. 9 will say aye; contrary no; the ayes have it; the motion prevails, and Sec. 9 is adopted.

Mr. TESCHEMACHER. I will ask Mr. Fox to withdraw his section until Sec. 10 as reported by the committee is read, because that is a supplementary to Sec. 9, and ought really be a part and parcel of it, and as Mr. Fox's amendment takes up an entirely different subject it would be better to have him withdraw it until Sec. 10 is read.

Mr. FOX. My idea was that it shold come in that place, and if that was not the right place for it the revision committee could put it where it belongs, that was my idea about it, but I will withdraw it until Sec. 10 is read.

(Reading of Sec. 10.)

Mr. POTTER. It seems to me that that section ought to be amended by excepting from the operations of that section idiots, insaue persons and persons convicted of crime. They might have become felons, or idiots or insane within that time.

Mr. CHAIRMAN. The chairman is not quite clear about this; is it to be considered as a substitute or an addition to the section we were just considering?

Mr. BURRITT. If the secreary will read the report he will find that the committee recommended the insertion of the section as Sec. 10, and the balance of the file to be renumbered consecutively.

Mr. BAXTER. I don't know about this word full. I think if we had held an election last evening most of our citizens could not have voted under this provision here; I doubt if many of them could have reached the polls.

Mr. CONAWAY. Especially as there is a law forbidding the opening of a saloon within a mile of the polls.

Mr. BAXTER. I therefore move to strike out the word "full."

Mr. CHAIRMAN. You have heard the motion to strike out the word full. All in favor of the motion will say aye; contrary no; the ayes have it; the motion to strike out prevails.

Mr. McCANDLISH. I would like to ask the gentleman who proposed this substitute how they are going to mark these people who cannot read now and write, and who are to be allowed to vote?

Mr. RINER. Brand them with the letter M on the neck.

Mr. BAXTER. As I understand this section the criticism is an unjust one. This is a restrictive clause, and it says none but citizens of the United States shall be permitted to vote, but it don't say that all citizens of the United States shall be permitted to vote, so that the criticism that has been made that persons who cannot read must have the right under this section is not a proper one.

Mr. POTTER. Look at Sec. 6 as relative to the first part of the section.

Mr. TECHEMACHER. I see the point, and I would like to explain the apparent inconsistency in that section. The first part of that section, of course, referred directly to Sec. 9, to the educational qualification. We wished to provide that nobody who at present cannot read or write, that no voter should be deprived of what he had already enjoyed when we became a state. The second part of that section refers to the section which provides that all voters in the territory shall be citizens of the United States, supposing there should be an election under this constitution within a year, we don't wish to bar out any who are entitled to vote now, but after five years we do wish to bar out those who would be able to vote under our present election law, which simply requires that a man shall take out his preparatory papers and declare his intention of becoming a citizen. The section refers to two entirely different subjects, and I think myself, Mr. President, it has to be amended to make it clear.

Mr. HOYT. My understanding is that this report was sent in somewhat hastily, and it may not exactly answer the purpose. It seems to me that in this section there should be a separation. That the first part should belong to Sec. 9, and should be placed there, so as not to lead to any confusion as to what is meant.

Mr. CONAWAY. It seems to me that the first part of the section should be amended so as to read "Nothing contained in Sec. 9 shall be construed, etc." As it now stands "nothing herein contained," refers apparently to the whole report, to the whole bill, including Sec. 6, and should be amended to refer to Sec. 9 in express language; I have not the exact words of the proposed section, so cannot move an amendment. I am opposed to the principle, but if we are going to have this thing, let us have it as good as we can make it.

Mr. BROWN. I move to amend Sec. 10, as reported by Committee No. 5, by inserting after the word "constitution" in the fifth line of the proposed section, "unless disqualified by the restrictions of Sec. 6 of this article."

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded to amend Sec. 10 by inserting the proposed amendment as read. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted. What is your further pleasure?

The secretary will read Sec. 11.

(Reading of Sec. 11.)

Mr. CHAIRMAN. Are there any amendments to Sec. 11?

Mr. FOX. I move it be adopted.

Mr. CHAIRMAN. It is moved that Sec. 11 be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section stands adopted, an action which I believe establishes the best election reform in the United States.

Mr. FOX. I now move the adoption of the section I offered a while ago.

Mr. CHAIRMAN. The gentleman's resolution will be read by the secretary.

(Reading of Fox's resolution.)

Mr. FOX. My object in offering this additional article to this article of the constitution is to further carry out the secrecy of the ballot, and the governing of our elections. The substance of it was introduced by Mr. Grant as a proposition for this constitution, and I don't believe in going half way, and letting the rest go. We have adopted laws so far good. My friend from Laramie, Mr. Morgan, said in his argument, that he could take his place at the polls and require voters to read the constitution, and that he could thereby debar and cut out a large number of voters at the close of the day. Now this proposition will prevent anything of that kind. The officers designated to take the registration can tell whether these parties can read the constitution or not, and none would be registered who cannot read. I think that is a proper article to be inserted in the constitution, and I don't think it needs any lengthy debate. I believe the members of this convention have their minds made up on this matter, and would like to see the clause inserted in our constitution.

Mr. BURRITT. I was about to make a motion to amend the proposition so that it will read that the legislature shall provide, not that it shall provide at the first session. This might not be provided for or disposed of at the first session, and the succeeding legislatures might claim that it was not their duty to provide for this, but that it was the duty of the first legislature.

Mr. FOX. I don't know about that. I don't think any person should vote until he has registered, and I think this should be provided for by the first legislature.

Mr. POTTER. I desire to add to this sectio of Mr. Fox's that "it shall not apply to the first election under this constitution."

Mr. TESCHEMACHER. The reason the committee did not put in this section in the first place was they supposed that the other sections would necessarily imply that the legislature should and would pass a registration law, and I don't think it is wise to say that the first legislature shall pass such a law, for if they did not the other legislatures might claim that it was not their duty to do it, and it is better to leave it open, and we can go ahead and hold our elections as usual until we do get such a law, and we can keep at it until we do get it.

Mr. BURRITT. I move to strike out the word "first."

Mr. TESCHEMACHER. Second the motion.

Mr. CHAIRMAN. The question is on the motion of the gentleman from Johnson, Mr. Burritt, to strike out the words "at the first session thereof." Are you ready for the question?

Mr. MORGAN. I believe that if the first legislature does its word properly it will and should pass a registration law; it is one of the most important matters they will have to attend to, and it ought to be done at the very first session. I don't see any possible objection to it on the ground that it might prevent an election. I don't think it could possibly do that. I think that the first legislature ought to pass this registration law; it would do more to purify our elections than anything else.

Mr. TESCHEMACHER. The gentleman evidently cannot understand my brogue. I don't know that I gave that as a reason why they should not do it. I said if the first legislature refused to pass that law then the other legislatures could claim that the first was the only session which had the right under the constitution to pass such a law.

Mr. MORGAN. I did not so understand it.

Mr. CAMPBELL. I am thoroughly in favor of a registration law and a good one, and I don't rise to make any amendment, but merely want to call attention to the language of that section. I don't think we want to pass a law which will prevent persons from voting who have the right to vote, simply because they are not registered. In Pennsylvania they have a very good registration law, and it provides if for any good and sufficient reason any persons have failed to register they can vote by making affidavit at the polls on election day, certified to by one or two reliable witnesses. Now I am afraid under this amendment it would prohibit every person from voting except those fortunate enough to be registered. Persons may leave the territory, may be miles and miles from the registration place, so that it is impossible for them to register, and I think those persons should be given an opportunity to vote, if they can prove that it was impossible for them to register.

Mr. GRANT. How would it do to say "on the day of election, or even the morning of election day."

Mr. CAMPBELL. I would answer that I don't think that a registration law is any account unless you compel them to register several days before election.

Mr. FOX. My idea in presenting this was to compel the legislature to adopt such a law at their first session, and if in the opinion of the learned gentlemen here, if it was not done at that session it could not be done at any other session, I am willing that that part be stricken out of that resolution, and say that the legislature shall pass this law, so that if not passed at the first it may be done at the others, but at the same time the resolution states that no person shall vote until they have registered, and that it shall be the duty of the legislature under the laws of the state to enact such laws as will carry these provisions into effect, so it seems to me that it will necessarily be among the first things they do. However, I am willing to amend the resolution.

Mr. CHAIRMAN. The question is on the original motion to strike out the words relating to the first session of the legislature. Are you ready for the question?

Mr. MORGAN. I most seriously object to that being stricken out. I think that is the greatest thing they can do for this territory, and my experience is if the first legislature don't do it, we won't get any registration law at all.

Mr. BROWN. I simply wish to say this. If you confine your language to the first session of the legislature, you are limiting their power. When you say the legislature shall carry this into effect, it not only imples that the first may pass such laws, but that every other legislature has the power, using the word first, pins it down to the first session, and the first session only, just as much as if you used the words "the first legislature only shall pass such laws."

Mr. CHAIRMAN. Are you ready for the question? All in favor of the amendment to sarike out the words will say aye; contrary no. The ayes have it; the motion is carried, and the amendment is adopted. The question now recurs on the resolution as amended. Are you ready for the question? All in favor of the resolution as amended will say aye; contrary no. The ayes have it; the motion is carried. This will stand as Sec. 12, and the latter part, providing that the legislature shall provide for the carrying out of the foregoing provision shall be Sec. 13, as it now stands. If a suggestion from the chair is permitted, the chair would suggest that it would be better to have this all stand as one section, and if there is no objection it will be so ordered.

Mr. POTTER. I certainly think there would not be a single voter qualified to vote for state officials under that section, unless we add "this section shall not apply to the first election held under this constitution." You will find that in all the constitutions of the new states.

Mr. TESCHEMACHER. Won't the schedule provide for that? The article that the first election shall be carried out under the territorial election law. That appears in nearly all of the schedules of the other states.

Mr. SMITH. While I think that the provision in the schedule would cover all that is necessary, yet in order to obviate any doubt, I move that there be added to this section the words "this section shall not apply to the first election held under this constitution."

Mr. POTTER. Second the motion.

Mr. CHAIRMAN. Gentlemen you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. TESCHEMACHER. I move when this committee rise they report back to the convention that the report of Committee No. 5, on elections and suffrage, be recommended for adoption as a part of this constitution.

Mr. CHAIRMAN. You hove heard the motion, that when this committee rise they report back to the convention this file on suffrage with the recommendation that it do pass. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The next file for your consideration is the report of Committee No. 10, on live stock. The secretary will read.

(Reading of the file.)

Mr. RINER. I move when this committee rise they report back this file with the recommendation that it do pass as an article of this constitution.

Mr. HAY. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have hard the motion that when this committee rise they report back this file with the recommendation that it do pass as a part of this constitution.

Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The next thing on the file is File No. 70, substitute for Files 17 and 40.

Mr. POTTER. I move to insert after the words "the army of the United States" "and the militia of this state."

Mr. PALMER. Is that not one of the legally constituted agencies of the government of the state?

Mr. CHAIRMAN. Gentlemen, the question is on the amendment to include the words "and the militia of this state." Are you ready for the question?

Mr. BROWN. I would like to ask the gentleman in what part of the section he proposes to insert his amendment.

Mr. POTTER. After the words "of the United States" in the fifth line.

Mr. BROWN. It seems to me that the "legally constituted agencies of the government of the state" would include the miltia. It sems to me that it would include that.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment of the gentleman from Laramie, Mr. Potter, will say aye; contrary no. The chair is in doubt. All in favor of the amendment will rise and stand until counted—8. Those opposed will rise and stand—19. The motion is lost.

Mr. BROWN. I have an amendment to offer. To strike out all portions of the sections down to and including the word "property" in the third line.

Mr. JEFFREY. Second the motion.

Mr. BROWN. The section will then stand: "The proper protection of life, liberty and property shall be confined, etc." I wish to say in offering this amendment that I think it is a man's first duty to protect himself. I take it that there is nothing in the other part of the section which will prevent any man protecting his life or his property when it is attacked. If it can be so construed as taking away the natural right of any person to protect themselves or their property it has no place in this constitution. The first part of this section says that no person shall use, employ or invoke the service of any armed body of men as a police force or to guard and protect property." Now suppose I am out on the range all alone, and my ranch or property is attacked by a body of armed men; I must wait until I can go to the proper authorities before I can hire any man or employ any man to help me defend my property. Shall it be burned up or destroyed before the right of self defense of one's natural rights, one's own property, can be availed of? Such a proposition to me is simply monstrous. I don't care how many constitutions are adopted, or laws passed that I cannot fight a man who shall attack my property or person, I would defend as best I could, and get anybody else, armed or otherwise, to help me defend my property, that I could get to do it. If we can have a proposition presented here to cover what this was intended to cover in the first place, I am in favor of it. I don't believe in bringing into our state an armed force from another state to put down insurrection, or anything else in the way of disturbances, as long as we ourselves can protect ourselves. When we cannot protect ourselves then we should appeal to the army of the United States.

Mr. MORGAN. I think I understand that this is intended to prevent the bringing in of Pinkerton detectives as an armed force, one of the greatest outrages ever perpetrated upon any people.

(Voice in the gallery: "That's right.")

Mr. REED. I insist upon order being preserved.

Mr. CHAIRMAN. Gentlemen in the gallery will please maintain order.

Mr. MORGAN. That is what this section is intended to prevent; that is that armed men shall be brought in from the slums of Chicago, and that they shall be clothed with authority of law to exercise the duties of United States deputy marshals. I should like to have this made even stronger, so that these outrages can be prevented by constitutional enactment.

Mr. SUTHERLAND. I would like to have a word to say on behalf of that committee. I don't know that the law as we have reported and which we wish to pass, would cover what we really want. The drive is made at the Pinkerton men, who as we all know came into the territory a few years ago to suppress a strike. They stood around day after day not trying to put down an insurrection, but trying to start one. I heard them in Laramie stand there with their Winchester rifles, which they never dared to use, and I heard one of them say: "I just wish they would start up something, I would like to turn loose on them." Some of these men were convicts who had been pardoned not ten days from the Lincoln penitentiary in Nebraska; that was the kind of men that were sent here; we stood it, we had to, and I want to see a law passed that will stop it. I myself will defend railroad property or any other property, as I would defend that flag, as I did defend that flag at Fort Sumpter. I don't wish to see this passed over. We called for it in the legislature, but the bill was pocketed and pigeoned holed until it was almost smothered and murdered I might say, and I would like to see those that are in favor of it, if they think this does not cover the ground, offer something in place of it.

Mr. RINER. I understand very well the purpose of this proposed section. The purpose is as stated by the gentleman from Albany, who was last upon the floor, Mr. Sutherland. I have no objection whatever to the proposition, if the purpose is as I understand it, to reach a foreign element coming into this territory for the purpose of suppressing an insurrection, but with Judge Brown's amendment, the question is not reached at all. I doubt if this section reaches it at all, and I want to say here in this connection, that I will not oppose it at all if persons are put upon the same basis as corporations in regard to this matter. If a corporation has not the power, then no person should have the power, but if the object is to reach that element then the first two lines of the section reaches the point. "Nor shall any corporation, association of persons or person use, employ or invoke the services of any armed body of men as a police or to guard and protect property." My own view is that the report of the committee does not reach the question desired, and this whole matter should be referred back to the committee to prepare something that does reach the purpose. So far as getting at the Pinkerton men is concerned, I have no objection to that whatever; all I ask is that every individual be put upon the same basis as a corporation, and that all be put upon the same level. It is simply a question of the protection of property, there is no other question involved. So far as the suggestion made by Mr. Morgan is concerned, that these Pinkerton men came here from the slums of Chicago, that has nothing to do with the case, when they were deputized as U. S. deputy marshals they were acting under lawful authority, and had a right to act, and there should be no criticism upon the marshal of this territory for his action in the matter that took place here. There is no use to recall it and attempt to stir up bad blood over a matter which is settled and gone. If it is thought proper to put in a provision in this constitution to keep that element out of the state, when it comes in as a state, I am in favor of it, and only ask that corporations and individuals be put upon exactly the same basis. My judgment is that this section as it now stands does not reach that question at all, and I think that the amendment instead of making it better makes it worse; by striking all that out it won't reach the point desired by the committee at all, the purpose which I have understood all the time to be exactly to keep out a foreign element from coming in here and suppressing an insurrection. If that be the case, the section does not reach the question at all.

Mr. MORGAN. I rise for explanation. I think it is rather a strange construction of language that a gentleman cannot oppose a principle without being charged with reflecting upon some one person. It was farthest from my thoughts to cast reflections upon the marshal. He is my friend; I wrote a letter commending him.. I was acting governor at the time. I simply was opposing the Pinkerton men, and I was not reflecting upon any one. Nothing was farther from my thoughts than any thought of reflecting upon the marshal. Don't let us misconstrue each other, gentlemen, when I want to reflect upon any man I stand prepared to do it straight out.

Mr. SUTHERLAND. I would like to give one little explanation. I don't wish to be misunderstood at all. I want simply to see a law passed that will keep out a foreign body of armed men, and not give them the pleasure of sticking on a badge, laying around the saloons at my little voting place, spoiling for a fight, made deputy marshals to guard Dale creek bridge as a dodge.

I believe all citizens should have rights, corporations should have rights; but not like a jug handle, all on one side. I will go as far as Mr. Riner will in defending any man or any corporation from any unruly element which wishes to destroy it, and if this bill does not meet with the wants of the people I should like to have some of the able lawyers in this convention revise it, so it will, and let us get it upon the statutes.

Mr. HARVEY. This does not seem to cover it, and I move that we report it back to the committee.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. The question is upon referring this file back to the committee. All in favor of the motion to refer will say aye; contrary no. The ayes have it; the file is so referred.

Mr. CHAIRMAN. The next file to be considered is File No. 66, by Mr. Reed, concerning Chinese labor. The secretary will read.

(Reading of the file.)

Mr. CAMPBELL. I move to amend the second section by striking out the word "suitable" and inserting the word "proper."

Mr. CHAIRMAN. It is moved to strike out the word suitable and insert the word proper. Are you ready for the question?

Mr. HAY. Before I vote I would like to know the meaning of the words "public works." I would like to know whether that refers to the territorial and county works, or whether in refers to any public corporation, such as a railroad or a coal company.

Mr. FOX. I should like to be informed too. Suppose the government of the United States should undertake to build a reservoir out here on the Laramie plains, at a cost of two million dollars, would this law govern the action of the United States? Can we legislate for the United States in this constitution?

Mr. SMITH. You can't interfere with Uncle Sam.

Mr. REED. The United States has already legislated upon the subject for themselves.

Mr. RINER. There is one suggestion I would like to make. I am in favor of this, but I can't see for the life of me why a law of this kind should apply to a Chinaman and not to a Finlander. From my personal knowledge the Chinaman is the more intelligent of the two. I think the section should be made broad enough to include them all. Perhaps, as suggested by Mr. Potter, the Chinaman can't vote and the Finlander can. But that does not make it just and right.

Mr. REED. I have a substitute to offer for that as follows:

"No person not a citizen of the Uuited States or who has not declared his intention to become such, shall be employed upon, or in connection with, any state, county or municipal works or employment."

"Sec. 2. The legislature shall, by appropriate legislation see that the provisions of the foregoing section are enforced."

Mr. FOX. I have an amendment to offer to that, strike out the words "state, county or municipal" and insert "public." Public works will cover it all, and there is no getting around it.

Mr. POTTER. There is one objection to this. It might prevent the working of convicts by the state.

Mr. CHAIRMAN. The question is on the amendment to the amendment. Are you ready for the question?

Mr. CAMPBELL. I fully agree with the object to be reached by the proposed bill, and the amendment, but I think this goes too far, and I don't think the gentleman who introduced it, or the committee who proposed this would ask that this substitute be adopted if they could see the extent to which it are to determine whether they are citizens of the U. S. public works. This would be a fine roost for all the tramps in the country, they could come to Cheyenne, become vagrants, and you could not work them upon the streets, because how are you to determine whether they are citizens of the U. S. Tramps are pretty sharp fellows as a rule, and don't want to work; they are put in the lock-up over night and tried and given ten days and costs; they are put upon the streets to work out the costs. Suppose they say I am not a citizen of the United States, this is unconstitutional, you cannot put me to work. What are you going to do about it?

Mr. REED. In regards to the objection offered by my learned colleague, Mr. Campbell, I will state that section is in the constitution of the state of Idaho. Some of these gentlemen around me say that this will be a hardship to the foreign citizen and all that. I would think if a man comes to this territory and wants to become one of us, to become a resident of the territory or state, and it is too much of a hardship for him to assume the duties of citizenship, the sooner that class of men leave the better for them and for everybody else, in the community. I am in favor of this substitute, and presented the original file on this question to this convention.

Mr. POTTER. I am very much more in favor of the original report of the committee. I think we are getting into trouble. The question has been raised by one of the gentlemen near me with reference to working out a road tax. Under the laws in reference to this matter, a man has the right to either pay his money or work out his tax on the road, as he pleases. Now suppose a person was not a citizen and did not want to pay his money for his road tax, he might not be permitted to work it out on the public road under this. That might be the case. Again, the state has to work its convicts in some manner. I think that might be injured by this substitute. It seems labor element, and I think we will only get into trouble if we to me that we had better confine ourselves to the original object of this bill, which was introduced to strike at this Chinese attempt to fool with this matter much longer.

Mr. CHAIRMAN. Any further remarks? The question is on the amendment offered by Mr. Fox. All in favor of the motion will so signify by saying aye; contrary no. The noes have it; the motion is lost. The question is now on the substitute offered by Mr. Reed. Are you ready for the question?

Mr. SMITH. I move to amend by adding "except as a punishment for crime after conviction according to law."

Mr. CHAPLIN. Second the motion.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Smith. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is carried. The question is now on the substitute as amended. All in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the amendment will rise and stand—22. Those opposed will rise—11. The ayes have it; the substitute is adopted.

Mr. REED. I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now arise.

Mr. PRESIDENT. The convention will come to order. What is your pleasure, gentlemen?

(Reading of report of committee of the whole.)

Mr. PRESIDENT. Gentlemen, will take the vote on the adoption of the entire report, or will you divide the same? Unless otherwise ordered the vote will be upon the adoption of the report of the committee of the whole as to File 68, on suffrage in regard to the adoption of the amendments, and if they shall be incorporated in the constitution. Are you ready for the question in so much as to the adoption of so much of the report?

Mr. RINER. I move the report of the committee of the whole, as a whole, be adopted. I think we have all discussed these matters fully and are ready to vote upon it as a whole.

Mr. PRESIDENT. The question is on the adoption of the report of the committee of the whole in entirety. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report of the committee of the whole stands adopted.

Mr. POTTER. I move these matters be now referred to the committee on engrossment before final reading.

Mr. PRESIDENT. The question is on the motion to engross. Are you ready for the question? As many as are of the opinion that the motion prevail will say aye; contrary no. The ayes have it; the motion prevails. All these matters reported back by the committee of the whole will now be referred to the committee on engrossment.

Mr. TESCEMACHER. I move that the president of this convention be requested to ask Senator Stewart to address this convention at 7:30 o'clock this evening if it suits his convenience.

Mr. PRESIDENT. I will state that Senator Stewart has expressed a preference for the hour named by the gentleman from Laramie, to address this convention.

Mr. CAMPBELL. I would amend the motion by adding that the president of this convention be requested to escort Senator Stewart to the hall this evening.

Mr. PRESIDENT. The question is on the adoption of the motion as amended. All who are of the opinion that the motion prevail will say aye; contrary no. The ayes have it; the motion prevails.

Mr. JOHNSTON. I have arranged for the lighting of the hall tonight and subsequent nights this week, and ask the discharge of the committee.

Mr. CHAIRMAN. Is there objection to the committee on lights for the present week being discharged? If not, by unanimous consent, the committee is discharged.

Mr. PRESTON. I move we take a recess until half past seven o'clock this evening.

Mr. FOX. I move to amend that we take a recess until a quarter to two this afternoon.

Mr. PRESIDENT. I don't know as a motion to take a recess is amendable, so the question will come first on the motion to take a recess until 7:30 this evening. If passed in the affimative that will settle the question. I really think that this convention ought to go on with its work at least until 4 o'clock every day, we have almost finished the third week of our session and there is still a vast amount of work to be done. We are all anxious to go home, and there are two members present this week who will have to go home on Saturday, and others may go and we will soon be left without a quorum. The question is on the motion to take a recess until 7:30 this evening. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question is now on the motion to take a recess until a quarter to two o'clock this afternoon. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The convention will take a recess until a quarter of two o'clock this afternoon.

AFTERNOON SESSION.

Wednesday afternoon, Sept. 18th.

Mr. PRESIDENT. Convention come to order.

Mr. CAMPBELL. Inasmuch as there are not many here, and as I don't smoke myself, I move that rule four be suspended for the afternoon.

Mr. PRESIDENT. It is moved that rule four be suspended for the afternoon. All in favor of the motion will say aye; contrary no. The ayes have it; rule four is suspended for the afternoon.

Mr. MORGAN. I now move that we go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. It is moved that we now go into committee of the whole for consideration of the general file. All in favor of the motion will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. The chair will call to the chair Mr. Holden of Uinta. Gentlemen we are now in committee of the whole, Mr. Holden in the chair.

Mr. CHAIRMAN. The first thing for your consideration, gentlemen, is File No. 66.

Mr. HARVEY. Was that not referred back to the committee? As I remember it, it was so referred.

Mr. BURRITT. The amendment of Mr. Campbell was pending on File 66 at the time the committee arose.

Mr. BROWN. I think when the committee arose it reported back this file No. 66 to the committee to put it into shape, but as there seems to be some doubt about it, and as it would take a good deal of time to take up these various items in committee of the whole, I move that it be referred back to the committee, if it has not already been so referred.

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that File 66 be referred back to the committee. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails, and the file is so referred.

The next file is File No. 76, reported by Committee No. 2, majority report. The secretary will read Sec. 1.

(Reading of Sec. 1.)

Mr. JONES. I move Sec. 1 be adopted.

Mr. CHAIRMAN. It is moved that Sec. 1 be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; Sec. 1 stands adopted.

Mr. MORGAN. The convention will notice that the committee have adopted the name legislature, instead of legislative assembly, for the state of Wyoming.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Is there any objection to Sec. 2? If not Sec. 3 will be read.

(Reading of Sec. 3.)

Mr. CAMPBEL. I move an amendment by striking out all of Sec. 3.

Mr. BROWN. I rise to make a suggestion, which may meet with the approval of the mover of the last question, and that is that we pass that section for a time, and go through with the balance of the file over which there will be no discussion, except perhaps a few details, and we can then come back to this matter and settle it as we can.

Mr. CAMPBELL. I insist upon my motion; I believe in settling these things as we go along.

Mr. MORGAN. As chairman of the committee I will explain the number of members of the legislature. If we pass Sec. 3 we might as well fix that before we go any further.

Mr. CHAIRMAN. I would suggest that we take the vote upon the amendment as to whether Sec. 3 be stricken out. As I understand the motion of the gentleman from Laramie, Mr. Campbell, it was that he whole of Sec. 3 be stricken out. Are you ready for the question?

Mr. MORGAN. I move the insertion of the minority report in lieu of Sec. 3 of the majority report.

Mr. CHAIRMAN. The chair hears no second.

Mr. POTTER. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that Sec. 3 of the majority report be stricken out and the minority report inserted in lieu thereof. Are you ready for the question?

Mr. POTTER. We have heard a great deal about this senator question in the last few days. I have heard it stated that this question has already been arranged and provided for, and that there is no necessity for the expression of any opinion upon it. I don't believe, however, Mr. Chairman, that any member of this convention really on his conscience, has so fully determined upon a line of conduct with reference to voting upon any proposition which may be brought here to be incorporated in our constitution, and has so fully determined upon that line of action that he would not permit himself to be convinced otherwise. I have listened very attentively today and yesterday to the remarks which have been made by various members upon this floor in eulogy of the territory of Wyoming, such remarks as this. That it will present to the people of the United States a constitution which will be more fair than any other state in this union, and will show the desire of the people of this territory for absolute justice and equality as toward all men and as toward all people within her boundaries, and I say to them this and I say it fearlessly, that the man, gentleman, who on his conscience has not learned that every man in a Democratic government, or a Republican government has the same right to representation in halls of legislation as every other man, has yet to learn that the very foundation of democratic institutions, and that individual, Mr. Chairman, had better reside under a monarchial form of government or a despotic institution. The only argument I have heard advanced in favor of the one senator from each county has been that it is the organization of the senate of the United States, and I say that no man who has read the history of this government that has not learned that the formation of the senate of the United States has always been, was when organized and is now, in direct conflict with democratic institutions, and there is not a writer or an authority who has written upon the subject, who has not expressed that idea, from De Tocqueville down to the present day. I say that it is the only argument I have heard advanced in favor of the report furnished us by a majority of this committee on legislative department. But it seems to me when they present that argument they forget that the relation of a county to a state, or the relation of a municipality to a state is not the same as the relation of a state to this government of the United States. What is a county what is a state? More particularly what what is a county in its relations to the state. Simply a medium by which a state conducts its business. The state cannot take up all the various details of government, of taxation, of the assessment and collection of taxes, of all the little matters that the citizens are interested in; this power must be delegated to some one, so the state delegates some of its powers to the counties, and the machinery of the state is kept in motion by the organized counties of the state, not as independent parts of the state, but subsidiary parts of the state in every respect. There is not a single thing that a county can do that is independent from control of the state. Not one. There is not a single exception to that rule, whereas a state has certain powers delegated to it which it exercises absolutely without interference from the United States. Now then, Mr. Chairman, I don't wish to be understood as speaking upon this question simply in reference to the people which the Laramie delegation represent, because there is not a man upon this floor but that at some time in the history of the state expects that many other portions of the state, of the proposed state, will at some time in the future have a greater number than this county, and I hope they will, but when I say that the learned gentleman here, the honorable president of our university, got upon the floor the other day and said with all the vehemence of his nature that in forming a government we must form it upon perfect equality, I took it he was sincere; and when my friend from Fremont this morning, in relation to one matter, spoke here of the equality of all men, in arguing against this proposition of an educational qualification for suffrage, he was sincere, but, Mr. Chairman, if he votes for this one senator idea from each county, he challenges his own sincerity, because he cannot say upon his conscience that is equality for all men; because when he says it he knows if he voted today for senators that I would be on no equal footing with him; he knows that, and my property would not be represented to the full extent that his is because I would not be represented in the halls of legislature as fairly and equiably as he is, and I ask any member of this body to point either today, or any time before we close, to any proposition that I have voted upon in which I have challenged my own sincerity as to the equality of all men in our constitution, and if I have I will change my vote the moment it is shown to me. I don't care upon what proposition it is, nor when that occurs. But, Mr. Chairman, I speak upon this question in behalf of all the people, who will come to inhabit this territory in the future, or who live here at present, who will live here in case we become a state, and what I want is when the legislature meets in our capital, when it meets at the seat of government, wherever that may be, it shall meet as a body representing equally everyone, and not have a partial representation. They have asked us to make it easy, my friend from Converse, Mr. Harvey, says here we are far from the railroad, so we cannot get to the county seat, don't be hard on us, make it easy for us to make a new county; that is true, I believe in making it easy for them, that we be just to them, give them all the privileges of citizenship that we can consistent with proper economy, but won't you be just also to the man who is unfortunate enough if this section passes, who lives in a country more populous? Now, Mr. Chairman, I think with reference to this matter, it is a very important question, and it goes right to the foundations of the expressions of this convention regarding the equality of all men, and the rights of all humanity. We live under a Democratic or Republican form of government, which in its declaration of independence has used those words which were so truthfully expressed by Mr. Preston this morning that all men are created equal, and is it to be for the new state of Wyoming, represented by a body of men from all parts of the territory, to say that we will not abide by that declaration. The sentiment, the uniform sense of justice, of almost an unanimous body of American people has been ignored by this majority report. In Montana where they adopted that principle, many of us know why they did it, and I blush almost for shame for those people, who merely for the purpose of keeping the capital temporarily, surrendered that which their conscience dictated they ought not to surrender. I ask this convention to look at this matter not from a prejudiced point of view, not from a local point of view at all, because we are not legislating for today, nor for tomorrow, but we are legislating for many years hence, we know not how many years. What we may deem local today may not be local ten years hence, what you may think with your partial ideas may be beneficial to your particular locality today, may not be beneficial ten years hence, and I think we ought to throw out of the question entirely all ideas of locality in this matter. I don't care on what basis the senatorial representation is made, so long as it is made with reference to the equality of every citizen in the state. It matters little to me, so that principle is sustained. Now, Mr. Chairman, just a word more, and I ask pardon of the committee for having occupied this much of its time. A new county may be organized when they have people enough in that county; it may have the wealth to organize a new county, one corporation might represent enough money to organize a new county. The population is a minor consideration, for under our constitution it only requires that a certain number shall be left in the old county; the taxable property is the main thing. Now if we keep that in our constitution and establish this provision one corporation might send to the senate a senator to represent its interests solely and absolutely, and if we establish this provision it will be a bid to corporations to do that very thing. It may sound extravagant to speak of one corporation having that much taxable property in any one county, and being able to control the county election, but it will not be impossible in some of the states by any means, so I hope, Mr. Chairman, that the members of this convention will not abide by the decision of the majority of this committee on legislative department, I hope they will see the injustice of such a proposition, and that the amendment of Mr. Morgan, or if another can be found which is better that it may be submitted in place of Sec. 3.

Mr. CHAIRMAN. Any further remarks upon the amendment?

Mr. TESCHEMACHER. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I would just like to bring one subject before this convention, which I think will prove the those districts, or the representative districts may be separate report. It won't take me but a few minutes to explain. The section says: "Each county shall constitute a senatorial district, which shall be numbered from one consecutively according to the number of counties now existing or hereafter created, and one senator only shall be elected from each district." Now I suppose every member of this committee will acknowledge that in every properly constituted legislative body the legislative part, the house of representatives, should be the larger body, and the senate should be the smaller body. Under this proposition they have limited for all time the number of the house of representatives to fifty. We have already provided that every two millions worth of property shall be able to constitute a new county. How many years do you suppose with our rapidly increasing mineral development and other development that we expect soon to make, how many years do you suppose it will be before we have fifty counties? The state of Colorado in 1876, when it was admitted as a state, already had twenty-five right then. I don't know now how many they have. The state of Kansas four or five hundred counties at present, and it is not nearly as large as the state of Wyoming, and if that report is adopted, within a very short period of time we shall have a senate of three hundred and a house of fifty. No other argument is necessary on the question. I have reduced it to an absurdity.

Mr. PALMER. I would like to ask Mr. Potter a question. If the one senator plan is not adopted, upon what basis do you propose to have your representation?

Mr. POTTER. According to the number of inhabitants or voters.

Mr. TESCHEMACHER. I am opposed to that plan from the word go: I am opposed to it from the word go.

Mr. POTTER. There is a proposition by Mr. Hay and also also one by the minority committee. There is another method also often adopted in the states to divide the state into senatorial districts and elect senators and representatives from those districts, or the representative districts may be separate and district from the senatorial districts, so that one district will only have but one senator; there might be more than one senator coming from any one county, different parts of the county. For instance, Laramie county, by the two senator plan, the county would be divided into two districts, and each district would elect for its particular section. Many of the states adopt that. Other states without dividing the counties, apportion to the county the number of senators to which it would be entitled if it had been divided. There are two methods but so far as I am personally concerned, it matters little to me which one is adopted, so long as we do it upon the number of persons in the county.

Mr. PALMER. I would like to recall to Mr. Potter's attention the fact that this minority report says "inhabitants" and that the apportionment proposed by Mr. Hay the other day was based on the votes cast at the last election; that would not be a fair apportionment for the reason that in the last election both candidates for delegate were residents of Laramie county, and consequently the personal feeling and personal knowledge brought out a larger vote in Laramie county than in some of the other counties where the candidates were not so well known, so that the vote would not be a fair basis for apportionment.

Mr. CHAIRMAN. Any further remarks?

Mr. CAMPBELL. Mr. Chairman, I see this report is signed by H. S. Elliott, D. A. Preston and H. A. Coffeen. Now, I have sat silently here and given to these persons who are in favor of this report a chance to give some reasons for this radical change in representation. I think any person who signs his name to a paper ought to give his reasons therefor. But these gentlemen sit silently here and seem to have counted noses and know how the vote would be on this proposition.

Mr. ELLIOTT. The gentleman was very indignant on yesterday when the gentleman from Sheridan made some statement that he was perhaps not perfectly sincere in some proposition he was presenting, and he now gets up and says it looks as if we had this whole thing cut and dried, one of the most dishonest charges that can be brought against a man that I know of. I desire to state at this time that I have made no efforts and will make no efforts to know how this body stands in regard to this question, and I signed that report for what I considered good and sufficient reasons. Notwithstanding the reduction ad absurdum by the gentleman from Laramie, I must insist that there is yet a little sense, a little reason and a little apparent justice in this proposition. My friend from Laramie, my friend who first spoke, spoke of those gentlemen who had eulogized the justice, the equality, the fairness of the people of this territory, he referred to those gentlemen who had eulogized the intelligence of the people of this territory, the equality of all men upon a particular proposition in regard to the suffrage question, but I have not heard, nor do I expect to hear any gentleman upon this floor eulogize the tenth legislature of the territory of Wyoming. When a member of that legislature, one of the most able and capable men in that body goes upon the streets and states that upon no single question that came up did he vote upon its merits, I do not think, gentlemen, there is need to eulogize such a body as that. An attack has been made upon the organization of the senate of the United States it may be that it is open to attack, but in my opinion, and I believe in the opinion of a majority of the citizens of these United States that senate is one of the greatest safeguards of our liberty, and I take it, sir, that that system that our forefathers have laid down in that constitution is founded upon the experience of ages, and the fact that this republic has been able to go through what it has gone through and still maintain its existence, its position and influence, is one of the greatest and strongest arguments for the propriety of each and every branch, of the method of organization, of every principle of that government, as established by our forefathers. The fact has been referred to that this method or representation proposed is analogous to that of the United States senate, that it should not be carried out in reference to the representation in the senate of the United States. I take it to be, Mr. President, that if we have found that the senate of the United States has been a check upon the popular will at a time when the popular will should be checked, then, sir, it is well worthy of our emulation. My friend has spoken of a government on equality. That is just what we are after. I hold that each and every county of this territory, within its certain bounds, and within its certain powers as laid down in this constitution, is a little independent sovereignty, and the fact, sir, that the little counties of this territory have time and time again been preyed upon by the larger counties, and that they have been made to pay tribute without being allowed a proper voice is sufficient indication that the government as it has been heretofore has not been one of equality. In regard to the question spoken of by my friend, Mr. Teschemacher, as to the number of representatives, I say that is a minor matter. I agree with him we should keep the senate the smaller body, and that can be easily arranged. For myself I was not fully in favor of the fifty limit, put on the house of representatives. I was in favor rather of seventy-five, or even a greater number, but yielded to the sense of the committee on that point in signing the report. A word, sir, as to the question raised by Mr. Campbell, as to the members by whom that report was signed. That report was agreed to by every member of the committee except the gentleman from Converse, and the chairman, the other members of the committee were not present when the report was signed, and for that reason their names do not appear. The great object of this proposition to have one senator from each county is this. We are throwing round our legislature every possible safeguard that we can devise to prevent them from being controlled by local prejudices, to prevent them being controlled by the great corporate interests, and the history of legislation has been that where the two houses are organized on the same basis, the smaller has been unable to control the larger. That, sir, is the principle we want to effect, and, sir, we wish to fix it so that no measure can be carried through unless that measure is of such general benefit as will recommend itself to the majority of the representatives of all the counties before it can become a law. These, sir, I may state are the influences which have led me to sign that report.

Mr. TESCHEMACHER. As a member of the engrossing committee I was obliged to leave the room, and did not hear how the gentleman got around my question about keeping the senate the smaller body.

Mr. ELLIOTT. I said that I myself am in favor of a larger number for the house of representatives, and think that matter can be easily arranged.

Mr. MORGAN. Uuless some gentleman who is opposed to this minority report desires to speak, as the mover of the amendment I would like to say a few words. I regret exceedingly that I am compelled to differ from a majority of the committee over whose deliberations I have the honor to preside, the more so as I am well satisfied that they have no superiors in ability in this convention, and are moved by conscientious scruples in signing this report. I hope and trust in the discussion of a question like this that county lines will not enter into the discussion of it at all. If I lived in the smallest county I would advocate this minority report, and I believed that if these gentlemen lived in the largest county they would advocate this majority report. Now this government is founded upon a certain principle; a government where every man is equal and independent. But when we come to act practically upon that, it was found that pure democracy would not be possible. In other words, a mass of people living together under one general government, it would be impossible for each man to individually take an active part in the government; but with that idea still in view, that each one should have the same power, should have the same voice in making the laws, we adopted a representative form of government. Now, I should like to know why because I send a representative that I should have less power in the enactment of laws that if under the original idea we should meet in mass convention? Now it seems to me that I ought to have as much right in the formation, enactment of laws for the government as the man who lives in a smaller county. Just as much, and just no more. Now each state is an independent sovereignty, and do not bear the same relation to the general government as that of counties to the state at all. If the United States senate had not been organized as it was, it would have been impossible to have formed this union, because the smaller states were afraid of the larger. Now all parts of these United States are under that constitution, and the constitution that we will make is simply to preserve certain rights of the people and to lay down the powers of our legislatures. Now, as a matter of right, is it right that the state of Nevada with a population of thirty thousand should have equal power to defeat some bill that the house of representatives is in favor of, to defeat some bill that should have the power and the right to kill this measure in the senate, when the state of New York with a population of four million has but he same power. That is not the right system of representation, that is not carrying out the true idea of all having an equal voice in making the laws of our government.

Mr. HARVEY. I should not have said anything on this subject at all, had not the gentleman from Laramie singled me out in his speech and stated that I would be inconsistent if I voted for the report of this committee. If I can be satisfied that I would be inconsistent I should not vote for this report, but I cannot be so convinced; I have not been thus far at least. I have examined this matter very carefully, trying to get at the justice of the thing, and I must say that I must vote for the report of this committee, because I believe that this theory, the idea advanced here, is sound theoretically and sound practically. Now, the gentleman says that this is not the American idea, I say it is. The only source from which I am to derive what the American idea is, is the form adopted by our forefathers, and they adopted precisely this idea, and published it to the world as the American idea. Now, I say, gentlemen that if you have two houses based upon the same rule of apportionment you make no distinction, the only excuse in the world for having two houses is that one should be a check upon the other, because it is absolutely necessary to restrain the majority. I say, gentlemen, that this is the American idea. The minority has some rights that must be protected, and I am prepared to stand by that doctrine in this constitution. If any gentleman can convince me, can give me any good reason, why I should depart from this principle I would be very glad to learn it. I have been here long enough to convince me that a Wyoming majority is no better than any other majority.

Mr. PRESTON. When the convention went into committee of the whole for the consideration of this question I did not intend to make any remarks, and I would not have made any had it not been for my friends from Laramie, all of whom I like very much. In the poetical language I heard last evening they are all jolly good fellows, but they have some ways which I don't appreciate, and one of these ways is the manner in which they propose to establish a state senate for the state of Wyoming. Now, the best argument that can be advanced to this convention is the abuses of the legislatures in the past. That certainly is argument enough in favor of a representation in the upper house from each county, in order that it may be a check; that the upper house may hold the lower house in hand, that the people of Wyoming may hold the lower house in check. It is true that I am not an old citizen of Wyoming, in the language of those who reside in Wyoming, I am a tenderfoot, but I am here in this convention representing old timers, men who have lived in this territory from the time it was created, and as their representative I came to this convention and I signed this report because it is in accordance with their wishes. I have put my name to that report and I will stick to it until I am black in the face, unless some of the intelligent gentlemen from Laramie county are able to convince me that I am wrong. My friend, Mr. Potter, says this question arose in Montana, and that they put in their constitution a clause that provided that each county should have one representative in the senate for the reason that they were afraid that the capital of Montana would be moved; I might say on the other haud that the position taken by Mr. Potter and by the gentleman from Laramie is upon the same principle, that they are afraid the capital of Wyoming will be moved away from Cheyenne. Now it is true I said this morning in the argument of this question as to whether a man should be educated in order to vote, I said that all men were created equal. It is true we come before this question with the same proposition that all counties so far as the senate is concerned, shall be made equal, and have an equal voice on that floor. There were no noses counted to see how this question would terminate, I simply was trying to run a bluff on my friend Campbell here, and they have had several small boys out to round up the absent delegates from Laramie county; there is no uproar in any other county. Now I do not desire to say anything further on this question, for I believe that every one in this convention understands the position that the majority of this committee have taken upon this. It was not a question which was passed hurridly by, not a question determined on in a moment's notice, but one taken into consideration by this committee for several days. It was fully and carefully discussed, and out of all the counties that were represented in that committee our friend Morgan was the only one that found fault with the representation. As I said I am sure that every member of this convention understands the question fully, and I don't believe that there is one thing that can be urged for or against this question, which they have not already considered. And now in conclusion I want to say that while although the representatives of Fremont county ask and appeal to you for a fair consideration of this question, that while although we are a small county today, we do not ask that this representation shall be one from each county, because Laramie county today exceeds us in population, for I want to say to you gentlemen of the convention that this county of Fremont, while today it has no railroad, while today it is one of the least known in the territory, is one that will some day in some future time cut an important figure in the state of Wyoming. It is a county, gentlemen of the convention, whose hidden treasures, when developed, will equal those of the great state of Pennsylvania, and the great mines of Colorado. A county with soil as rich as any county in the territory, and the only county, gentlemen of the convention, whose soil is rich enough to produce corn, the stalks of which can be utilized for the building of corrals, and I ask at your hands a fair consideration of this question, and give us an equal voice on the floor of the senate with Laramie county, and Albany county, and Carbon county, or any other county in the state of Wyoming.

Mr. CHAIRMAN. Any further remarks?

Mr. TESCHEMACHER. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I have spoken on this subject, and if any one else care to speak I will yield. I have not yet heard any one answer the question of what would be the result of the adoption of the majority report, of Sec. 3, when the counties increase as they will, and very rapidly, how we are to cut down this infernal senate. This senate is going to be larger and larger every election, and that, it seems to me, is the one question that ought to be answered right away. We have ten counties already today, and my friend, Mr. Coffeen, from Sheridan, tells us that there is a part of Sheridan county that wants to become a new county, and I think very soon there will be a certain part of Laramie county that will want to become another county. I don't come from Cheyenne, I come from Uva, and I don't think it will be many years before the nothern part of Laramie county will wish to be some other county, Teschemacher county perhaps, and so it will go on and on and each recurring legislature we shall have an increasing senate, until as I have before said, the senate will outstrip the house, because the majority report here says that the house shall be limited to fifty. Now will some member on the other side tell me what we are going to do when that state of affairs comes about.

Mr. CHAIRMAN. Any further remarks?

Mr. COFFEEN. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. I wish to discuss this question for a few moments and I wish to take up the point made by the last speaker. I wish to say, however, before I begin, that in everything I have said, and everything I have done here, I have assumed that every other member is honest and fair in his convictions, and I ask that the same consideration shall be extended to me, and I would apply that principle so far as to say that I beg no one be allowed to assume that fairness and justice is on his side alone. The first gentleman who spoke on the opening of this debate took the position of assuming that there was no ground for this report if founded on justice. Se we start with a fair assumption so far as I am concerned, and everyone I believe who addresses himself to this question will address himself conscientiously; I am free to admit that I believe all will do so. True we are all more or less unconsciously influenced by our surroundings. With that preface, taking up the argument of the gentleman who preceded me, he has raised this question: Will there not be so many counties organized that the senate will become too large. I wish to take his suggestion and answer another gentleman from another county who is fearing that it will be too small, and call attention to the fact that according to those who support this measure of the gentleman from Laramie that it is liable to be too large instead of too small, and I pit one of these arguments against the other. For myself I believe there will be some new counties organized, which will give us a reasonable body for a senate. We start out with a rather smaller number than I should prefer, but the principle which I wish very much should be secured is that every county should have an equal right and power in the future legislatures of this country.

Mr. PALMER. It seems to me that the great democratic principle is that the majority should rule, and that a man whether he resides in the county of Laramie or the county of Sheridan should have the same right to vote. Under that ratio and apportionment a man in Laramie or a man in Sweetwater county would have just about half a vote, and a man up in Sheridan would have a full vote. It is a democratic principle, and I am sorry to see that Democratic members of this convention will vote for a proposition whereby a portion of the people will be disfranchised. It is not fair or just to the people of Sweetwater county, with an assessed valuation of three million dollars, that she should send but one senator to the senate of the state, and that Sheridan with less than one and a quarter million should have an equal power in fixing the rate of taxation. The delegation from Sweetwater county in this convention are placed in a very embarrassing position, under either system, they will only get one senator. We will get one senator, and the county of Sheridan will get one senator. We have in our county nine per cent of the vote, and Sheridan has four per cent. We have twice as many voters as they have. We have ten per cent of the assessed valuation while Sheridan has three per cent. Sheridan county sends one representative to the senate, and he fixes or assists in fixing the ratio of taxation and all those matters, and has an equal vote with the man we send from our county. I insist that it is not democratic and not right that we should have but one man there, and Sheridan county with less than half the vote and half the assessed valuation should be represented equally with us. I say it is not the American principle that there should be a check upon popular representation. The gentleman has stated that the constitution of the United States was framed upon the American principle, and a moment ago he stated that three-fourths of the states had receded from that and adopted another system. When three-fourths of the states of the union have receded from the proposition it is no longer the American principle. The majority should rule is the American principle and I stand ready to vote for any proposition that will give the people in every part of the state fair and just representation in the senate.

Mr. CONAWAY. I am glad there is at least one proposition upon which I can agree with my colleague, Mr. Palmer. I do not wish to discuss this question at length, but simply to say that I will vote against the principle of apportionment proposed in the majority report, because I do not think it is right, I do not think it is American. I do not think that the fact that the senate of the United States is organized upon this principle is a parallel case to that of the organization of a state senate. The relation of the states of the United States to the general government is not the same as that of counties in a state to the state government. The states were sovereign and independent, and the formation of the general government and of the senate of the United States was a series of compromises. It was necessary in order to get the original states, or a majority of them to bind themselves by the constitution of the United States that some things should be inserted in that constitution which were not exactly republican, not democratic, and this idea has not been approved and practiced by three-fourths of the American states. The proportion of American states that have adopted the form of one representative from each county in the upper house does not amount to one-fourth, as I am informed by the best information I have got. It is the exception and not the rule. There is a difference between the relations of the counties to the state government, and the states of the United States to the general government. The states are sovereign and independent and come in of their own free will. The counties are the agents of the states in carrying out the government, the agents and instruments of the government. they derive their power or authority from the laws enacted by the legislature of the state. As I said before I do not wish to discuss this question, at any length, merely to give my ideas about it,and stating that while it may not be for the best interests of my own county to vote as I do, still I think it is right to do so, and the people expect me to do here what I think is right and upon conviction.

Mr. HAY. I want to say a word in explanation, in answer, to a question asked by Mr. Preston. He asked whether the Laramie county delegation were wedded to the plan proposed in my proposition. I want to say that no one knew anything of this proposition when I introduced it. I don't think I had shown it to any one. Some members of my own delegation object to it, they don't seem to think that Laramie county has got a particularly good thing. Mr. Teschemacher makes objection to the proposition in File No. 74. I don't know what his objection is except as indicated by his remarks in regard to the vote. If the apportionment suggested in this proposition is not fair, and if Sheridan county or any other county has been done any injuctice by it I am certainly the last one to support it. I am in favor of any change that will make it more fair to all the counties than that does. But in regard to the argument in reference to the fact that all men are declared free and equal, and to have epual rights, I don't see how it is that there is any equal rights in the proposition that a county with nine hundred votes shall have equal rights with a county with four thousand. I cannot see where that argument holds good.

Mr. BROWN. I want to be understood that in asking this question I ask it in the best faith because in following the arguments of the gentlemen on either side of this question I have forgotten what the motion is that is before the house. I am not sure about it, and I want information. I understood the motion of the gentleman from Laramie, Mr. Campbell, to be this in substance, to strike out Sec. 3 of the majority report. Is that correct? As I understand it now the motion of the gentleman from Laramie, Mr. Morgan, was to amend the motion to strike out by inserting what is reported as Sec. 3 of the minority report. I ask the members to inform me whether or not I am correct as to this. If I am the question that is presented to this committee now for its action is on the amendment offered by the gentleman from Laramie, Mr. Morgan, that we insert Sec. 3 of the report of the minority of the committee in lieu of Sec. 3 of the majority report. I am free to say that the gentleman, as I understand it, has no right to amend the report after it has been submitted to the convention and referred to the committee for its action, so that on the motion to adopt the minority report in place of the majority report, as to Sec. 3, my friend Teschemacher occupies, I take it, the same position that I do, that he is opposed to it. Then on the question of the minority report we may act together. Now, upon the other question of the motion to strike out Sec. 3 of the majority report, I am opposed to that motion. Whatever may be the result of the action of this committee or of this convention, when it is finally taken, I am still opposed to any motion to strike out Sec. 3 of the majority report because it carries with it a principle that I think every man in this convention is in favor of, namely, that there shall be at least one member of the council from each and every county in the state, however that section may be finally amended by the action of this committee or of this convention, is another matter, but I take it from the different remarks made by different gentlemen here during the discussion of this question, that each and every one of them favor this proposition presented, that each and every county shall have one representative in the council or senate of the state legislature.

Mr. MORGAN. I asked leave to amend, to insert this amendment, and there was no objection.

Mr. BROWN. Let us remember that the reports of these committees are reports in charge of the convention, and not in charge of the committee, and when they are received by the convention the unanimous consent of the convention must be obtained and is sufficient to allow the gentleman to amend the report as he pleases.

Mr. MORGAN. Do you mean to say that you cannot amend a proposition before the committee of the whole?

Mr. BROWN. I mean to say this; that it can be amended by vote, but not by unanimous consent. Without going further then, we are now in this situation; we have before us these two reports. As to the minority report I take it that it has been amended and cannot be amended in the way suggested, and I should be opposed to it, if it were amended. Now as to the majority report. I say that in this majority report Sec. 3 contains one principle that we nearly all agree on, namely one representative in the senate from each county. Why then strike it out? There are matters in Sec. 3 of the minority report that we do not want and will give us more trouble to amend than the report of the majority.

Mr. CAMPBELL. I made a motion to strike out Sec. 3, I will withdraw that and move to strike out the word "only" in the third line.

Mr. McCANDLISH. If he believes as he indicated in his speech here this afternoon, that the majority should rule, why is it that we are wrestling with this minority report.

Mr. PALMER. I move this committee now arise, report progress and ask leave to sit again.

Mr. BROWN. Now what I have to say is upon the main question of representation, and I propose now to discuss that matter somewhat because, perhaps it may be involved in these two matters now before the committee, although I am not sure that we are now ready to fix that absolutely, and if there is no objection made I will discuss the whole question of representation. I do not know that there is one member of the delegation in this convention from Albany county that agrees with me in my views of this question. Whether they do or not I am not informed, but I shall act upon this question as upon every other one, upon my best judgment of what is right without reference to the opinions of others, except as by their arguments they may convince me of the error of my own judgment. The question of representation in proportion to the population is one, I think, that should properly refer alone to the lower house, or house of representatives as it is called in this legislative file, and not to the senate, and I believe that the gentleman from Converse expressed my views very fairly upon this question. Representation in the different houses of a legislative body is in the nature of things arbitrary in some respects. We cannot say that representation shall be in proportion to the population and settle the matter in that way, for each county, because there is no such thing as dividing the population of each county in such a way, or there is no such thing as adopting a unit by which we may divide the representation, so that it will exactly meet the sentiment expressed that it should be in proportion to the population. To a greater or less extent, divide representation upon any plan you may, and it must in some respects be arbitrary in its results, and will not give an entirely equal representation to any portion of the people of Wyoming. You may take any figure that you can conceive of and try to measure the population by that, and you will find that if it works right in one county it will fall short in another, and that an exact and equal representation cannot be absolutely arrived at. If the principle of representation in proportion to population was to be adopted, I would be in favor of a legislature composed of a single branch, because I can see no need of two houses in any legislative body if you are going to pursue that theory as to representation. Much has been said by statesmen in different parts of our country as to the propriety of two houses in legislative bodies, and very strong arguments have been presented against it. I believe myself in having two branches or two houses in the legislative department of our state, and of all the states in the union, and I believe also in following the general principle that has been referred to as the American principle, namely, that the house, whether it is called the upper or the lower house, or the senate, that the house that has the smallest number of representatives should be so constructed that it will work as a check upon the will of the popular majority in the lower house, or the house of representatives, and if it is not so constructed that that it shall form a check upon the will of the popular house, it will be of no advantage to the people of Wyoming, and we might as well wipe it out as a useless and unnecessary thing. It becomes a mere figurehead, a thing to be looked at, wholly useless, and a matter of some expense to the people. Now I believe, as was stated by the gentleman from Sweetwater, that when the theory of our government was originally adopted, and the system of two houses of congress, with two representatives in one branch, from every state in the union, it was accepted by the people of the country, in the formation of our government, as the result of a compromise, but I wish to say in addition to that, that it was the happiest compromise that ever came to man. The theory of equal representation in the senate of the United States, is one of the safeguards of our country, and without it, we do not know in what direction we might have drifted, or what would be the result of legislation. I say that this compromise was a happy deliverance and resulted in the formation of one of the best governments that has existed under the sun. By the representation in the senate being equal from each state, the rights of states are preserved, and the little state of Rhode Island with her industries and thrift, is as well protected in the senate of the United States as the great state of New York. The senate of the United States is framed as a restriction, it seems to me, upon the popular branch, and saves the states from wrong because of that. It is true that counties are in no sense sovereign, as was suggested by the gentleman from Sweetwater, and they do not in any sense perhaps occupy the same relation to the state as the states of the union do to the general government, yet there is the principle that we want to keep in mind, and that is restriction upon the popular body in our legislature, that more directly represents the people. How can we obtain that and how shall we obtain it. It is a question you may well consider long and well before adopting any particular theory. As a start in this direction at least, I am in favor of adopting this Sec. 3, that gives one senator from each county in the territory. When that is done, if there is any better plan we can adopt it. Without going any further then, we are in this situation. As to the minority report I am opposed to it, and would be opposed to it, if it were amended. Now as to the majority report. I say that in this majority report Sec. 3 contains a principle that we nearly all agree on, one representative from each county in the senate. Why then strike it out? There are matters in Sec. 3 of the minority report that we do not want, and will give us more trouble to amend than the report of the majority committee.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The noes have it; the motion is lost.

Mr. PALMER. I move this committee now rise, report progress and ask leave to sit again.

Mr. CHAIRMAN. It is moved that this convention now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now arise.

(Report of committee of the whole.)

Mr. PALMER. I move the report be adopted.

Mr. PRESIDENT. It is moved the report be adopted. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. TESCHEMACHER. I move we now take a recess until 7:30; I believe that is the hour fixed for the address by Senator Stewart.

Mr. PRESIDENT. It is moved that we now take a recess until 7:30 this evening. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

SIXTEENTH DAY.

Morning Session.

Thursday, September. 19th.

Mr. PRESIDENT. Convention come to order.

The secretary will call the roll.

Reading of the journal.

Mr. PRESIDENT. Are there any corrections to be made to the journal? None suggested; it will be approved as read. It is so ordered, Mr. Secretary, the journal stands approved.

Presentation of petitions, memorials and propositions.

Mr. HOYT. I have two propositions here in the nature of declarations, which as they are in my handwriting I will read.

(Reading of Hoyt's propositions.)

Mr. PRESIDENT. If there is no objection the propositions presented by the gentleman from Albany, Gov. Hoyt, will be referred to Committee No. 1, on preamble and bill of rights. The chair hears no objection, and it is so referred, Mr. Secretary. Any further propositions?

Reports of committees.

Mr. TESCHEMACHER. Committee No. 19 desires to make a report.

(Presentation of report of Committee No. 19.)

Reports of special committees. There being no special re-reports, we will now proceed to the final readings of propositions.

Mr. HAY. I move that rule four be suspended. It is pretty hard to sit here all day without any of the comforts of life.

Mr. REED. Second the motion.

Mr. PRESIDENT. It is moved that rule four be suspended. Is there objection? The chair hears none. Rule four is suspended for the morning sesson.

Gentlemen, I have a communication from a former resident of Wyoming, again calling our attention to the name that should be adopted as the name of the new state. If it is not otherwise ordered by the convention it will be laid on the table with the other communication upon the same subject.

Mr. TESCHEMACHER. I move out of respect to the old resident the matter be referred to Committee No. 6.

Mr. PRESIDENT. It is moved that this letter be referred to Committee No. 6. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so referred.

Mr. JOHNSTON. Committee No. 8 have a report to make

Mr. PRESIDENT. The report of Committee No. 8 will be received and read.

Mr. BURRITT. I don't think that it is necessary to read it. The report is exactly File 57 as printed, with a change in the first section, and one additional section added.

Mr. PRESIDENT. There were some amendments made by the committee of the whole to the proposition. Those were not incorporated as I understand it.

Mr. BURRITT. The committee did not understand that the committee of the whole were considering this for the purpose of placing any restrictions upon the irrigation committee. It was brought before the committee of the whole in order that the irrigation committee might rceive the advice of the members. That having been done we have agreed upon this substitute which we beleve is the proper thing.

Mr. PRESIDENT. The report will be placed upon the general file. Any further reports of committees?

Mr. PALMER. I would ask leave at this time to introduce a proposition.

Mr. PRESIDENT. Is there objection to the introduction of a proposition by Mr. Palmer at this time? The chair hears none and the proposition will be presented.

SECRETARY. File 82, by Mr. Palmer.

(Reading of the file.)

Mr. PRESIDENT. It will be referred to the committee on labor unless otherwise ordered by the convention. It is so ordered, Mr. Secretary. Gentlemen, the files that were reported as correctly engrossed did not have the endorsement of the file on the back, and they have been sent to the engrossing clerk to put that on. As soon as returned we will take up the files for final reading.

Mr. TESCHEMACHER. The fault is all mine. I returned three or four files before just this way, supposing it was the duty of the secretary to put that on. And I sent them all in that way to save time.

Mr PRESIDENT. The question comes on the final reading of the file. The first presented for your consideration is File No. 68, on suffrage. Is it the wish of the convention that the file be first read before putting it on its final passage.

Mr. CAMPBELL. I move it be read section by section.

Mr. PRESIDENT. All in favor of reading the file section by section will say aye; contrary no. The ayes have it; the file will be read by sections.

(Reading of Sec. 1.)

Mr PRESIDENT. Sec. 1 is now before you. What is your pleasure, gentlemen? No amendments are suggested; Sec. 2 will be read.

(Reading of Sec. 2.)

No objection to Sec. 2; Sec. 3 will be read.

(Reading of Sec. 3.)

Mr. BAXTER. I would like to call attention to one word in Sec. 3. It seems to me that the word "polls" should be used instead of the word "electons."

Mr. PRESIDENT. Does the gentleman make a motion to amend?

Mr. BAXTER. Yes, I will move that the word "elections" in the second line of Sec. 3 be stricken out and the word "polls" substituted.

Mr. PRESIDENT. It is moved to amend by striking out the word "elections" in the second line of Sec. 3, and inserting in lieu thereof the word "polls." Are you ready for the question? All in favor of the amendment proposed by the gentleman from Laramie, Mr. Baxter, will say aye; contrary no. The noes have it; the motion to amend is lost.

Sec. 4 will be read.

(Reading of Sec. 4.)

Any amendments to Sec. 4? The chair hears none; Sec. 5 will be read.

(Reading of Sec. 5.)

Mr. CLARK. I move to amend Sec. 5 by adding to the section "or shall have legally declared within this state his intention to become such, at least one year prior to the election at which said elector seeks to cast his vote."

Mr. PRESIDENT. Will the gentleman present his amendment in writing? While waiting for the amendment suggested to Sec. 5 we will pass on to the consideration of other sections.

(Reading of Sec. 6.)

No objection to Sec. 6; Sec. 7 will be read.

(Reading of Sec. 7.)

No amendments to Sec. 8; Sec. 9 will be read.

(Reading of Sec. 9.)

Mr. CLARK. I move you, Mr. Chairman, that Sec. 9 be stricken out.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved and seconded that Sec. 9 be stricken from the bill. Are you ready for the question?

Mr. CLARK. Unfortunately, perhaps, for myself, and fortunately for the convention; I was absent when this matter was discussed, and probably the views I have on the subject are substantially those that were stated by gentlemen who feel the same as I do in regard to the wisdom, and in regard to the justice of inserting an educational test as a qualification for an elector. In speaking of this with some gentlemen of the convention, I am met by the argument that the educational test is nothing, it does not apply until 1894; that it shall not apply until every voter in the territory shall have had an opportunity to acquire the necessary education, if when you use the term education you mean such as will enable him to read the constitution of the state. I take the ground, Mr. President, that in making our qualifications for voters, we should make no educational qualifications, and the ability to read the constitution of the state or the constitution of the United States, I take it is purely an educational qualification. The only qualificaton I believe in, that I think we ought to have, is such a qualification as goes to the manhood of the voter. I myself cannot go into my county, and I am sure that the gentlemen from Sweetwater cannot go into their county, I am speaking from personal experience and observation, and I believe other gentlemen could not go into their counties and present to the people for their adoption a constitution that would virtually disenfranchise citizens who have been voting for twenty years, and citizens counted among the best in their counties.

Mr. TESCHEMACHER. Before he goes any further, I would ask him to read the next section of the bill.

Mr. CLARK. I have noticed and shall speak of the clause which says this shall not apply to present citizens of the territory of Wyoming. The man I will mention now, I mention simply by way of argument. I would ask the gentlemen if they can go before their people and ask for the adoption of a constitution that would prevent Phillip Mass voting in the state elections? If it prevented Philip Mass from voting it prevents other men of equal ability, of equal natural education, of an education higher than the education of schools if he comes in this year or next year, or the year after. I take it upon the ground that the highest and best knowledge is not gauged by a man's ability to read a particular document, and as I said at the beginning we should gauge qualification not by his ability to read or write, but we should gauge it by the worth of the man, or the worth of the woman, who seeks to exercise the elective franchise. This clause prevents a man who has made himself known in a community, and is possessed of all that knowledge that goes to make up a good man, this prevents him from casting his ballot, while by his side is a man who is learned in all the knowledge of the schools, who can write your name as well as you can write it yourself, and is very apt to write your name as well as you can write it and without your knowledge and consent, it gives him the right to vote but disfranchises the man who has that higher and better education and worth. I am opposed now and always to any limit of this kind upon the elective franchise.

Mr. HOPKINS. I should like to ask Mr. Clark how many this would disfranchise besides these honest people?

Mr. CLARK. I believe it would, if carried out to the letter, disenfranchise three-fourths of the members of this convention. This perhaps needs a little explanation. If it had been the constitution of the United States I would have said disenfranchised every man, that is, read the constitution to know what it means, except two or three who have been able to read it after years of study and knowledge gained in the reading of it, I believe three-fourths at least of the members of this convention would not be able to read the constitution of the United States in the broadest sense of the term.

Mr. CAMPBELL. I call for the ayes and nays on this amendment.

Mr. PRESIDENT. The question is on the striking out of File 68, Sec. 9. The ayes and noes are called for. Is there objection to the vote being taken by the ayes and noes? The chair hears none. So many as are of the opinion that Sec. 9 be stricken out of File 68 will say aye as their names are called; contrary no. The secretary will call the roll.

Mr. BAXTER. I wish to say in explaining my vote on this particular section, up to this time there is no provision in the bill by which citizens of the territory at the time of the adoption of the constitution shall be exempted from the provisions of Sec. 9. With the understanding that such a section will be adopted, and that no citizen of the territory at the time of the adoption of the constitution will be effected I should vote aye.

Mr. PRESIDENT. The convention cannot inform the gentlemen only on the amendment to strike out. The gentleman has the right to explain, but having made his explanation, his vote is demanded.

Mr. BAXTER. With that explanation I vote no.

Mr. HOLDEN. I desire to say this. That taking into consideration the fact that there are a few citizens now resident in this territory or who are likely to become citizens of this territory, who will be just exactly in the condition of the gentleman named by my colleague, Mr. Clark, yet feeling that if I was in the same condition as Mr. Mass referred to, possessing his intelligence, which I very much doubt, my being in possession of that amount of intelligence, and realizing that my vote, if I were permitted to enjoy it, was liable to be counteracted by the votes of thousands of the ignorant horde, I would stand back with my hands folded in order that the greatest good to the men and women who have helped to make this territory a great commonwealth, might be accomplished, and for that reason I would vote no.

Mr. BAXTER. My friend here on the right discovered I was in confusion before I did myself, and to make myself clear I want to say this. In the absence of any provision adopted at this time exempting citizens who are here now, I am unwilling to put this in the constitution, and I find that I did not understand the way the question was put. I meant to vote aye.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter, desires to change his vote from no to aye. Is there objection? The record will show that Mr. Baxter voted aye.

Gentlemen, the vote on the proposed amendment is as follows:

Ayes, 15; noes, 26. The amendment is lost.

The secretary will read the next section.

(Reading of Sec. 10.)

Mr. RINER. In order to be consistent I move to strike out Sec. 10.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Riner, moves to strike out Sec. 10. Is there a second to the motion?

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. The question is on the amendment to File 68, to strike out Sec. 10 as read. Are you ready for the question.

Mr. COFFEEN. I don't desire to occupy the time and only wish to say that as we have one section now consistency demands of those who favored the other section that we also retain this section. I shall therefore sustain this section.

Mr. RINER. I don't care to discuss the proposition at length, and I don't know that I am especially opposed to an educational qualification for the right of suffrage. However if we are to have any such qualification let us have it. Now there are in this territory today and will be at the adoption of the constitution at least a thousand or fifteen hundred votes that will be cast for the adoption of this constitution, who are unable to read this constitution, and why if you are going to have an educational qualification for the right of suffrage, why except these? If it is necessary that a man or woman must read this constitution in order that he may enjoy his rights as a citizen of the United States, I ask in the name of reason why should that prohibition not apply to those who are already in that condition? I cannot for the life of me see why that should be any reason, that simply because a man at the adoption of this constitution happens to be located within the territory of Wyoming, if he is unable to read the constitution, why he should enjoy the right, while the man who comes in here after the day of election shall not. I say the thing is inconsistent and unreasonable. If we are to have an educational qualification to exercise the right of suffrage, let us have it, and have it now, and make it apply to everybody who at the adoption of this constitution is unable to read the constitution.

Mr. HOYT. I can answer the gentleman in just a word. The reason the provision does not apply to those now in the territory is because they came here when there was no restriction, they have acquired property here, and this right is in the nature of a vested right, with them, so it would not be right to take it from them.

Mr. RINER. I say there can be no vested right in the right of suffrage.

Mr. HOYT. I said in the nature of a vested right.

Mr. RINER. Let us have a qualification pure and simple, and have it now if we have it at all. For myself I cannot see the difference, and can see no reason why it should not apply to the man already here, and shall apply to the man who comes here later on. I apprehend there is another question, which if the truth was known, lies at the foundation of this section, when you submit your constitution to the people you are giving to fifteen hundred people who cannot read and write the right to vote, and say that the fifteen hundred who come later on shall not have the right to vote. Is there anything inconsistent in that? I say there is most certainly. It is for the purpose of allowing fifteen hundred men, and I don't think that I have it too high, who are unable to read, to say we adopt this constitution, and we cut off the right of suffrage from those who come hereafter in the same condition that we are. I say if we are going to have an educational qualification let us have it and have it now, and let those who are able to read say whether or not we shall deprive those unable to read of the right of suffrage, and not let fifteen hundred men who are unable to read say that fifteen hundred other men shall not have the same privilege. The purpose of the section is to help secure the adoption of the constitution, and I say it is unfair.

Mr. PRESTON. The only reason I see for the adoption of this section is that it is a kind of electioneering scheme to catch the fifteen hundred votes here now who cannot read. For that reason I am opposed to it.

Mr. MORGAN. I voted to strike out Sec. 9 because I did not believe in, nor want to have a qualification of that kind. I shall favor Sec. 10 as read because I shall get a little of what I want by this.

Mr. CAMPBELL. I stand in about the same position as Mr. Morgan. I believe in taking one-half if you cannot get the whole, so I will vote against striking out that section.

Mr. TESCHEMACHER. I will rise to deny that this is an electioneering scheme, it is an historical scheme, and dates away back to a time when electioneering methods as we know them now in various parts of the territory, were never thought of. This very same provision goes back to the adoption of the constitution of the state of Maryland, adopted in the year 1820, in the good old days when our fathers were perfectly honest. The same thing appears in the constitution of Connecticut, which was adopted in 1855, that was also a few days before the Republican party was founded, and before all these new and various methods were discovered.

Mr. CLARK. Do you endorse the constitution of Connecticut?

Mr. TESCHEMACHER. I have never read it.

Mr. CLARK. You don't want to.

Mr. TESCHEMACHER. I won't go into any more historical questions except to say that it is a well known fact that whenever the suffrage has been granted, whether as a privilege or a vested right, I don't care what you call it, that priviledgs has never been taken away. The Republican party granted that privilege to a great many people that were ignorant so far as reading and writing were concerned, and the Republican party has seen where they made a mistake. Mistake or not it has never been taken away, and never will be taken away, and the same defense has been made on this very floor in regard to the female suffrage question that it having been once granted to them we de not propose to take it away. The suffrage once granted is never taken away, and that is the reason this clause stands in this article as reported by the committee. Not only do we allow all men who cannot read, but are at present electors in this territory, to vote on this constitution, and to vote in this state, but we have provided further that only American citizens shall vote in this state; that nobody for the next five years shall be deprived of that right, where he has declared his intention to become a citizen, the present law giving a man who has declared his intention the right of suffrage, this gives him five years to qualify. I think on the face of it any such restriction is not an electioneering scheme.

Mr. BARROW. I don't pretend to know anything about the question, but I agree with Mr. Preston, this is nothing but an electioneering scheme, I believe the object is to get the approval of the constitution from the thousand voters we have with us now who are unable to read or write, but as I believe it is a good electioneering scheme I shall vote for the section.

Mr. SMITH. It is unnecessary to enter into any argument upon this proposition, it has been gone over before, and I think the members understand it. I just want to say this about the fifteen hundred people who cannot read this constitution. It has been referred to as a political scheme, the persons who have been referred to is just the element that we complain of in Carbon, Sweetwater and Uinta counties. Now for these people I will say that the percentage who cannot read is no greater than among lots of others, they cannot read it in the English language, but if you put it in their language they can read it as well as we can, so it don't injure them at all so far as their qualifications are concerned, and they will vote just as well as other people will.

Mr. CHAIRMAN. Are you ready for the question? The question is on the motion to strike out Sec. 10.

Mr. CLARK. I ask that the section proposed to be stricken out be read before the vote is taken.

Mr. PRESIDENT. If there is no objection the section will be read.

(Reading of Sec. 10.)

The question is on striking out Sec. 10 as read. So many as are of the opinion that Sec. 10 be stricken out.

Mr. CAMPBEL. I call for the ayes and noes.

Mr. PRESIDENT. The gentleman calls for the ayes and noes.

Mr. PRESTON. As a matter of information I would like to ask whether the constitution can be translated by signs.

Mr. PRESIDENT. The gentleman is out of order. Is there objection to the ayes and noes being taken? The chair hears none. The ayes and noes will be taken by unanimous consent. The question is on striking out Sec. 10 of File 68 as read. So many as are of the opinion that the section should be stricken out will say aye as their names are called; those of the opposite opinion will say no. The secretary call the roll.

Roll call.

Mr. MORGAN. Before the vote is announced I think it is right first to have the list read over, to see if there is any mistake.

Mr. PRESIDENT. Is it the desire of the convention to have the call read, showing the vote of each member before the result is announced? It will be read tomorrow in the journal.

Mr. MORGAN. If so, then I don't think it necessary to have it read now. My idea was simply to have any mistakes corrected.

Mr. PRESIDENT. The chair asks is there objection to the roll being read?

Mr. REED. As the vote has been once taken, I don't see any reason for going over it again; it seems to me that is is only taking up time.

Mr. PRESIDENT. The vote will be announced. Gentlemen, the vote on the motion to strike out is as follows: Ayes, 5; noes, 36. The motion to strike out is lost. The secretary will read the next section.

(Reading of Sec. 11.)

The chair hears no amendment suggested to Sec. 11. Is there any?

Mr. CAMPBELL. I would like to ask if there is anything in this election report which provides that the ballots shall all be printed on the same kind of paper. Inasmuch as I have not got a copy of the supplementary report, I don't know what is in it.

Mr. COFFEEN. As the author of that section I will say that there is none that they should be on the same kind of paper and on the same size of paper. I thought we could safely trust that to the legislature, but if the convention thinks it is not safe we can of course put it in.

Mr. PRESIDENT. The chair hears no amendment offered to Sec. 11. The secretary will read Sec. 12.

(Reading of Sec. 12.)

Mr. PRESIDENT. Is there any objection to Sec. 12? The chair hears none. The section stands approved as read.

Mr. CLARK. I now wish to present my amendment to Sec. 5.

Mr. PRESIDENT. The secretary will read the amendment proposed by the gentleman from Uinta, Mr. Clark.

SECRETARY. To amend Sec. 5 by adding to the section "or shall have legaly declared within this state his intention to become such at least one year prior to the election at which said elector seeks to cast his vote."

Mr. HOPKINS. I think this section is a contradiction of one already passed, not in the printed bill, but one of the other sections.

Mr. PRESIDENT. The question is upon the amendment as offered by Mr. Clark, of Uinta. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. Any other amendments to be offered to the bill? I would call attention of the members to the last clause or sentence in Sec. 9, "this section shall not take effect until July 1st, 1894." It seems to me that Sec. 10, "Nothing herein contained shall be construed to deprive any person of the right to vote, who has such right at the time of the adoption of this constitution," leaves that matter entirely safe. It adds no force or effect to the bill, and it seems to me it might as well be stricken out.

Mr. CAMPBELL. I suppose the idea was to give the people who can't read the constitution of Wyoming until 1894 to study.

Mr. HOLDEN. It seems to me that the last line of Sec. 9, ought to be stricken out, and for that reason I move we strike out that provision which says it shall not take effect until 1894.

Mr. PRESIDENT. The motion is to strike out the last sentence of Sec. 9. Are you ready for the question?

Mr. HOLDEN. It seems to me that the right of all electors now residing in this territory are amply secured under other provisions, and I think we might as well hang this notice out at the present time, and declare in emphatic terms that we don't want any more of these ignorant people, and if they come they must be subject to this provision; I think we ought to strike that provision out.

Mr. HOYT. I simply want to call attention to the difference in the kind of qualification. Sec. 5 relates to citizenship. Sec. 9 refers to the educational qualification; relates to their ability to read. Now I am in favor of its applying to the educational qualification, that they might have time to qualify, to learn to read, but on the other side it seems to me that the same necessity does not exist; but in order to make the two sections consistent, it seems to me that it might be well to begin Sec. 5 with the words "After July 1st, 1894," so that there will be no question about it.

Mr. SMITH. I just want to call attention to this. In Sec. 10 we say after five years none but citizens shall have the right to vote, and if you strike out this clause under the motion of the gentleman from Uinta, why you put the educational qualification in effect immediately, and I don't think it ought to be immediately. The five year limit in the other clause refers to the citizen qualification, and not to the educational qualification at all.

Mr. PRESIDENT. The question is on the motion to strike out the latter part of Sec. 9, "This section shall not take effect until July 1st, 1894." All in favor of the motion will say aye; contrary no. The chair is in doubt. Those in favor of striking out will rise and stand until counted—19. Those opposed will rise—18. The motion to strike out prevails. Any further amendments to be offered to File 68? Is there objection to the file being placed upon its final passage? The chair hears none. File 68 will now be finally read and put upon its final passage.

If the convention desires to further amend before final reading, it can be so amended. The file is still before the house for amendment.

Mr. SMITH. I move that Sec. 9 as amended be stricken out. I make this motion for the purpose of getting on the record that the strisking out of the latter clause puts the educational qualification in force at once, and I object to that.

Mr. TESCHEMACHER. I rise to a point of order. That amendment has already been made to the bill and decided in the negative. The same amendment cannot be made twice.

Mr. SMITH. The section has since been amended.

Mr. PRESIDENT. The point of order is not well taken. It is moved that Sec. 9 as amended be stricken out. Are you ready for the question?

Mr. SMITH. I just wish simply to state my reason for it. As that section stands the educational qualification will immediately go into effect. I take it you cannot get any other construction out of it. With that clause stricken out your educational qualification goes into effect on the adoption of this constitution, because the next clause refers to a different matter entirely.

Mr. HARVEY. I voted in favor of striking out. I think the section as amended works an injustice to the people who are already here.

Mr. PRESIDENT. Gentlemen, I think my learned friend from Converse was never worse mistaken than when he says that this in any wise affects the substance of this bill as it was originally presented, and before amendment. Sec. 9 reads "No person shall have the right to vote who shall not be able to read the constitution of this state." The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements. Sec. 10 says: "Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of Sec. 6 of this article." And it don't matter if this constitution goes into effect at once, it does not disqualify any man that cannot read, and no such construction can be reasonably put upon the constitution if this goes into it. The first part of Sec. 10 settles the whole question as to every man now in Wyoming, or in Wyoming at the time of the adoption of the constitution. The only effect that this clause could possibly have would be to suspend the operation of this clause as to a man coming into the state between the time of the adoption of the constitution and the time named in the section, and it can have no other effect. I take it that it is not the wish of the gentlemen of this convention that we open the doors of ignorance for a term of years. By keeping in this part, this one phrase or sentence of the preceding section, it will hold open the doors to any ignoramous that would not have the right to vote if the section was enforced. Striking it out relieves us of that, and makes the whole clause reasonable and consistent. One other thing. We say we are going to adopt the constitution. We propose to submit it to the people whether it shall go into effect or not; could we expect them to vote for it, if after the adoption of this constitution they are to be deprived of their right to vote? It seems inconsistent it seems to me to say the least.

Mr. SMITH. I don't care to go into any argument of this at all. You all know as well as Judge Brown or myself that he has not changed the reading of these two sections at all; they refer to different matters, but the first part of the section makes the sense as to that and not as to this, but leaving this sentence out it will receive a strict construction and the two sections stand in conflict.

Mr. BROWN. There can be no misconstruction about this and there is none, and the only inconsistency there can be exists in the mind of my friend.

Mr. CONAWAY. I expressed my views upon this question raised for the second time the other day, but since the discussion has reached the point it has I desire to place myself on record as protesting against the idea that the men who cannot read are necessarily ignorant men. We know it has been admitted by gentlemen on all sides of this proposition that we all know and are acquainted with good citizens, efficient men in different branches of business who have the misfortune, and not the fault, to receive no education whatever. If our county has raised such men in the past, it may raise them in the future. If the principle is so defective and liable to work such wrong as to make it necessary to suspend it for five years, it may be necessary to suspend it longer, and I am very glad to have an opportunity to put myself on record as opposed to the principle. Now, gentlemen, let me occupy your time for one moment more. It is admitted on all hands that such men as Philip Mass should not be disqualified. My friend from Fremont county will admit that it would be a great evil to disqualify such a man as James Smith, of South Pass. What less wrong, what less evil would it be to disqualify those who live just over the line upon the south, or over the line in Montana, and should want to move here. The principle is wrong, and therefore I shall vote as I always voted to strike out this section entirely.

Mr. HARVEY. If I understand the gentleman from Carbon he is not opposed to the principle, but he thinks an inconsistency exists in the two sections. If it does, it seems to me that the revision committee can call it to the attention of the house and have it corrected. I think this convention can leave it to the committee to correct the discrepancy if it exists I am not quite clear in my own mind as to this myself.

Mr. MORGAN. I have voted twice to strike out Sec. 9 because I do not believe in the principle. I voted to keep in the latter part of this section because it postponed this qualification taking effect until 1894. I would like to make it fifty years instead of five. It seems to me that last clause was inserted as a notice to people who are coming here in the future. It gives them time to qualify by learning to read, and I should like to see it left in.

Mr. CLARK. I voted against the amendment offered by the gentleman from Laramie, because as I said if I could not get all that I wanted, I would take what I could get, but now that you have amended this and as it stands now I shall not even get half a loaf, I am in favor of the amendment offered by Mr. Smith of Carbon.

Mr. CAMPBELL. As I voted with the prevailing side I believe I have a right to move a reconsideration of the vote to strike out this '94 clause, and if in order I move a reconsideration in order to bring this matter to a vote.

Mr. COFFEEN. There is no necessity for reconsidering the vote, as this section has been amended and is not in the same condition as when the vote was taken.

Mr. PRESIDENT. The vote will be taken on the motion to strike out all of Sec. 9, as amended. Are you ready for the question?

Mr. CLARK. I call for the ayes and nays on that question.

Mr. PRESIDENT. If there is no objection the secretary will call the roll.

Roll call.

Mr. PRESIDENT. Gentlemen, the result of the vote is as follows: Yeas, 15; nays, 26. The noes have it; the motion to strike out is lost.

Mr. CAMPBELL. I move a reconsideration of the motion to strike out the last part of Sec. 9.

Mr. COFFEEN. Second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion, a reconsideration of the vote has been moved. I sincerely hope the vote will not be reconsidered.

Mr. COFFEEN. One thing I wish to call attention to in this connection. There are persons within this territory who are minors, growing up, who within five years will be qualified, and it is in consideration of these minors that are nearly of age that I shall vote to reconsider the clause which will guarantee to the whole people of Wyoming an opportunity to qualify under this bill by the year 1894.

Mr. PRESIDENT. Gentlemen, you have heard the motion. All those in favor of a reconsideration will say aye; contrary no. A division is called for. All those in favor of the motion to reconsider will please rise—15; those opposed—26. The motion to reconsider is lost.

Mr. CAMPBELL. I would ask for the reading of the section in relation to registration. I mentioned this once before, and the more I consider it the more convinced I am that that section is wrong. I move to amend by—

Mr. TESCHEMACHER. I rise to a point of order. That section cannot be amended. The vote upon it has been taken and finally passed and no amendment to it can be brought up again.

Mr. CAMPBELL. It will disfranchise one-half the persons in the territory of Wyoming, as it stands, but if you are willing to go upon record with it that way, I can stand it if you can.

Mr. RUSSELL. I would like to state that as this is now I can see a chance for a great deal of wrong in the use of the ballot with this registration clause and the other one already passed. I mean the educational clause; there may be a great many good citizens in mining camps who wish to vote and vote right. Now it would be possible to appoint registers that might wish to influence the vote, and when these men come to vote they might make them read the constitution, and they might be able to read it just as good as any man here on this floor, but through some little incompetency, through some little mistake, he might make in his reading they might prevent him from voting. I think this is wrong and will work a great hardship throughout a good many counties in the state, that is how I feel about it.

Mr. COFFEEN. I do not believe the point of order raised by the gentleman from Laramie is well taken. Uutil we are ready to vote any part of this bill is subject to amendment, and I also believe that the section on registration as it now stands may disfranchise many men from voting who may be absent or unable to register at the time specified, and I belive they ought to have the opportunity to make a proper affidavit as to their qualifications and why they failed to register, and that evidence should be received, and they should be allowed the privilege to vote if they can show good and sufficient reason for their failure to register. I am in favor of amending this section.

Mr. PRESIDENT. The section is subject to amendment. Are there any suggestions to be offered?

Mr. POTTER. I believe we can fix this without striking out any of it. I believe the first part is all right; that no one should be allowed to vote unless registered according to law, but I think we should add the following:"Unless the failure to register is caused by sickness or absence, for which provision shall be made by law." I move to insert this after the words "according to law" in that section.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All those in favor of the amendment offered by the gentleman from Laramie will say aye; those opposed no. The ayes have it; the section is so amended. What is your pleasure, gentlemen, as to File No. 68?

Mr. HAY. I move it be put upon its final passage and the vote taken.

Mr. PRESIDENT. Gentlemen, it moved that File No. 68 as now amended be finally read and put upon its final passage. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The file will be read at length as amended.

(Final reading of File 68.)

The question is on the final passage of the file. All in favor of the motion that File No. 68 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

Mr. CAMPBELL. I merely wish to say again that I must protest against this educational qualification, which I believe is all wrong, but inasmuch as this file contains so much good, I vote aye.

Mr. CLARK. I rise to explain my vote. There is a good deal that I would be glad to support, particularly Sec. 1, of this file, but inasmuch as I believe this discriminates against men who have as much right and are as capable of evercising the elective franchise as any gentlemen upon this floor, I am constrained to vote no.

Mr. CONAWAY. There are a good many good things in this bill, especially Sec. 1, and inasmuch as my vote on this bill will not effect that section which gives to women the right to vote, and as I consider this bill contains more evil and wrong than good, I vote no.

Mr. PRESTON. I desire to explain my vote. Inasmuch as Sec. 9 will deprive some citizens of the United States that intend to remove to Wyoming of having an equal voice in the affairs of this country, I vote no.

Mr. POTTER. I ask to have Mr. Palmer vote on this file.

Mr. PRESIDENT. Mr. Palmer will answer to the roll call.

Mr. PALMER. I desire to explain my vote. I am opposed to woman's suffrage, but there is so much good in that bill I vote aye.

Mr. PRESIDENT. Gentlemen, your vote on File 68 is as follows: Ayes, 30; noes, 12. By your vote you have adopted File 68 as amended as a part of the constitution of Wyoming.

File 68 will be referred to the committee on revision.

The question is now on the final reading of File 70. In order that the convention may be fully informed of the contents of the file, it will be read at length.

(Final reading of File 70.)

Mr. CAMPBELL. I have no amendment to make, but I would like to say a few words to the convention before this is put upon its final passage.

Mr. PRESIDENT. Is there any amendment to be offered to the file? If there are no amendments to be offered the gentleman may proceed.

Mr. CAMPBELL. I would like to say to this convention that this is the first time I have read the bill. This bill, if it passes, introduces a new element in the relation of master and servant, and I take it that if it is passed no corporation or person can afford to engage in any business whatever. The doctrine of master and servant is pretty well defined, the courts are getting away from the rule further every year and giving it a more liberal construction in favor of the servant, and against the master, and I take it that any provision that goes to the extent that this goes, would make it impossible for any railroad company or any corporation to do business within the state of Wyoming without going into absolute bankruptcy. It says that "it shall be unlawful for any person, company or corporation to require of its servants or employes as a condition of their employment or therwise, any contract whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void." It means this, if anything, if a section man working upon a railroad is injured by another section man, that the company will be responsible for that injury. All that a corporation should be held to, and they should be held strictly to that, is that they should be held responsible for the injuries of a servant not in the same line of employment, or responsible for the negligence of such servants as are placed above the other servant in employment, and in which the inferior servant is bound to obey the instructions of the superior servant. That is as far as you should go, and not hold them responsible for the injury of one servant to another in the same line of employment. I will go a little further to make myself clear. I take it that a railroad company should be responsible for the injuries which a section man receives by reason of the negligence of the dispatcher; it should be responsible for the injuries of a section man by reason of the negligence of the train master, or the road master, or I will go a little further, by reason of the negligence of the foreman in charge of that particular gang of men, but I don't think that any company should, or any individual should, be held liable for the injuries caused by one working alongside of him in the same employment. On this question I was enlightened yesterday. After this matter came up, I made a casual inquiry of one of the officials of our railroad company here, and the amount that is already paid by corporations, especially by the railroad corporation that runs through the lower part of this territory, is enormous, the amount that they already have to pay out by reason of the negligence of servants and if you adopt this provision, I don't see how any railroad company can do business within this territory; and I would like to hear from persons who are more familiar with the question than I am, if they think my construction is very unfair. I must say that I believe in holding masters for the injuries that are caused to their servants by reason of the negligence of those above them, but I don't believe in holding them responsible for the injuries caused by those within the same line of their employment.

Mr. BROWN. Does this section or proposition propose to do anything except prevent contracts being made?

Mr. CAMPBELL. I think it goes further. I have not had time nor opportunity to examine this carefully but that is how it strikes me at the first glance.

Mr. BROWN. I desire to say that I heartily agree with what has been said by my friend from Laramie, but I do not agree that what he says has everything to do with the purpose of this proposition. My construction of the reading of this section is, and I may be wrong, owing to my unfortunate absence at the discussion of the meaning of this, my understanding is not that it changes the relations of master and servant at all, but it simply prevents a master from compelling a man when he enters his employment of signing any contract that will disturb the legal relations as they now exist between master and servant. That is my understanding of the section. If wrong, I should like to be set right.

Mr. POTTER. My objection to it is even for another reason. My primary objection at this time, (and the differences between the two gentlemen increases my objection) whenever you have a small section like this, which is liable to encounter difficulties in its construction, it is very clear to me that the place for it is in legislation, and not as a fundamental law. I object to it because I think it ought to be left for subsequent legislation, and not become a question of fundamental law.

Mr. HOYT. I desire to say a word, not intending to argue this matter at all, that while I agree with the gentleman who has just speoken, as to the great importance of our not interferring with matters which may be left to the legislature, since this has been introduced and acted upon by the committee here, and as it appears to me to protect a very important interest, and appears to me to be very carefully expressed, and I would simply emphasize what has been said by our president himself, that this refers simply to the matter of contracts being made whereby corporations shall be released from liability for injuries due to their negligence. I think we cannot be too careful in protecting the rights of the great laboring classes, and I therefore think it would be well and proper to incorporate this section into our constitution. But I object to one word. I think the day of master and servant has gone by forever, and there is no cause for inserting into the constitution of Wyoming the word servant at all. "Of its employes" covers everything. Everyone who is engaged to perform the duties of another is an employe, and I see no occasion to use the word servant at all, but will vote heartily for the propositions as it stands.

Mr. RINER. I hope this provision will not be embodied in the constitution if the purpose is as suggested by Governor Hoyt. I agree with Mr. Campbell that the language of the section is sufficient to carry with it the construction he places upon it. So far as a contract is concerned it has been positively decided by the supreme court of the United States, unless there is a consideration it amounts to nothing. The supreme court of the United States in Ross vs. the Milwaukee & St. Paul railroad case, has settled this whole question. The purpose of this section by the mover was to do away with the doctrine of fellow servants in this state; whether or not the language of the section is sufficient to reach that question I am not altogether certain, but I think that it is. If that be the case, then I agree with Mr. Campbell it would be impossible for any corporation to do business in this territory. Not only does it effect corporations, but other persons. The section reads "it shall be unlawful for any person, company or corporation to require of its servants or employes as a condition of their employment or otherwise, any contract or agreement whereby such person, company or corporation shall be released from liability or responsibility on account of personal injuries received by such servants or employes while in service of such person, company or corporation." Here is what I want to call attention to. "By reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely void." | Now then I want to know if that, and I ask the lawyers of this convention who are more familiar with the decisions of the supreme court than I am, in regard to this matter, does not that wipe out of existence the doctrine of fellow servants, and makes a corporation or a person liable for the injuries caused by the negligence of a fellow servant. What is the effect? Applied to a railroad company, Mr. Campbell has stated it; it makes a railroad company liable where one section man is injured by another section man's negligence, regardless of the rights of the company. In the cattle business it makes a cattle man living in Cheyenne liable for the negligence of his servants on the range a hundred miles north, and he has no security for it. Now I believe a corporation should be bound. The supreme court in the Ross case held that where a railroad corporation is operating a line of road, that the head of every department is a vice principal, and represents the company. In the Ross case it was held that the conductor of the train was a vice principal of the company, and the company was responsible for his acts. Why? Because he represented a separate department in the compan's service. Until the train left the end of his division, it is for him to say, says the supreme court, when the train shall start, when it shall stop, at what speed it shall run, so that every principal applying to the master would apply to him, and he is a vice principal and stands in the master's place, and for his acts the company is liable. Suppose you adopt this section, and the points for which Mr. Campbell and I contend are right, we may be wrong, but if not, the language in the next to the last line will hurt everybody. If that be adopted, then if one brakeman is injured by the negligence of another brakeman upon the same train, in the same grade of employment, where the conductor had no knowledge and no means to prevent the accident, and nobody else had any power to prevent it, you put the company in the position and make them liable where they could not have prevented it. Now I say that that is not right, and what is true as to a railroad company applies to every other interest in this territory. Do you pretend to say that if this section has that effect that there is any justice in the Standard Cattle company of this city being held liable for the injuries one cowboy receives because of the negligence of the other cowboy one hundred miles north on the range? If you take out of your law the doctrine of fellow servants that is where you land. So far as the protection of employes is concerned they are already fully protected. The supreme court of the United States has decided that a company is liable for the negligence of a vice principal, for the negligence of a man in charge of a separate department of the service, and who stands in the shoes of the master, so far as his liability is concerned. That the company is liable for the negligence of a servant of one department causing an injury to a servant in another department, and why? Because in that case the servant in the other department has not the means to protect himself against the negligence of that servant, that he would have if he was a servant of equal grade and in the same department. If this section, and I fear that the language is sufficient, if that be the effect of this section, I am certainly opposed to it. If that has already been decided I want to know why it should go into the constitution. It is the law now as squarely laid down by the supreme court of the land, and if it does not wipe out the doctrine of fellow servants then it has no place here, because the supreme court of the United States has decided, and decided most positively, the liability of the parties. I am opposed to it for the reasons given by Mr. Campbell, and if it does not bear that construction I am opposed to it because it is a useless provision.

Mr. BAXTER. Does the decision in the Ross case say that servants cannot enter into a contract with their employers?

Mr. RINER. The supreme court of the United States has decided that such contracts must be founded upon a good and valuable consideration, and without that it amounts to nothing whatever; they hold that employment itself is not a consideration.

Mr. SMITH. This section don't get at what we want to reach at all, and anyway I think it properly belongs within the provision referring to corporations, and I know that the committee on corporations is preparing an article that I think covers what we want to reach here, and for that reason I move that this matter be referred to the committee on corporations.

Mr. REED. I would like to say a word in regard to this matter. It is easy to be seen where the objection to this bill comes from. So far as cowboys are concerned I don't see that cuts any figure in it at all. It is ridiculous to bring cow boys in here. As I understand this, this is to reach what we originally call the old ironclad agreement. I can see the object of this because I have worked on all the railraods west of Chicago I might say, and they have all adopted a policy that this here touches upon. It was called the ironclad agreement, by which a man when he entered the employ of the company agreed to release the company from all liability for any accident that might occur to him, no matter whether the fault was directly traceable to the company or not. Now if I understand the sense of this File No. 70 it is to keep us from having any such an introduction in this state of any ironclad agreement between any railroad company and its employes, and I believe it should pass. It is to protect the poor man. And I wish to add, so far as the law is concerned, I don't care what the law is, I have heard so much about law on the floor of this house that I am disgusted with it. It is justice we want, and mercy with justice. I think the case in this town today pending before the courts is enough. A man paralyzed, with a large family to support, his body and mind almost destroyed in the service of the company, and I would like to know what the law done for him. The case has been carried to the supreme court, but the poor man has got nothing as yet. That is law, I suppose. I am sorry to bring this matter up, but everybody in town knows it, and knows too that the cause of that man's injury was due directly to the negligence of the overseer of the job he was working on. The man was poor, and he got but poor treatment, and everybody knows it.

Mr. RICHARDS. It seems to me that nearly all the gentlemen that are discussing this matter seem to imagine there is but one corporation in existence and that will exist in the future in the state of Wyoming, and that the Union Pacific Railway company. We are here to try and establish the fundamental law for the state that we hope will be great in material prosperity. The northern part of this territory today is laboring under a commercial depression for the reason that we have no resources that will bring money into circulation and bring prosperity to our people. If measures of this character are to be embodied in our laws they will stand here as a menace to the introduction of capital from abroad that should go to the development of the natural resources of our country. Consequently, I think it is a false position and a great wrong and a great mistake to hold up a sign forbidding and denying people you might say, from bringing their money into our territory to help develop the great hidden resources that it is necessary to have developed to bring prosperity to our people.

Mr. JOHNSTON. I have no particular objection to the first part of this bill, or to any of it in fact, but I know something about this in a practical way. I have charge of large gangs of men where we used great quantities of explosives, and as that reads it appears to me that it makes the company who are using these explosives in the performance of its business, responsible for the carelessness of any employe of that company. I know that it required constant vigilence on the part of the superintendent and foreman of these works to prevent employes using explosives carelessly. It required constant watching. Accidents might happen for which the company was in no way responsible, and I can see no reason for putting in a clause of this kind in this bill.

Mr. HOLDEN. I have studied this section pretty carefully and it seems to me that there is nothing in this section contained which either increases the liability of corporations or persons or lessens it. It seems to me that the only question contained in this section is that we shall say by fundamental law that all persons and corporations shall forever be prohibited from maying any contracts with their employes which shall lessen the rights of the servant against the master. That is all there is to it.

Mr RUSSELL. In order to enlighten the gentlemen in regard to this I will say a few words. This is taken verbatim from the Colorado constitution, the reason for our introducing this occurred in our county. We are employed by a corporation, though they are restricted by a law on Wyoming's statute books from doing it, that formulated a paper and presented to its employes, requesting them to sign any rights or indemnity they might have under our present law in case of an accident, and they had to sign this paper as a matter of employment. That is the whole sum and substance and object of the introduction of this bill.

Mr. BAXTER. It seems to me that if the gentlemen of this convention will read this provision carefully there can be no question as to its meaning, and the object that is desired to be reached, and I must dissent from the construction given it by my friend, Mr. Russell. It goes directly to the question of making the contract as a condition of employment. There is nothing in it which could be construed in any way as disturbing the well settled doctrine of the relations between master and servant, and I use the term servant because I believe it to be a well understood legal term, and in no disrespectful manner whatever. The section reads "It shall be unlawful for any person, company or corporation to require of its servants or employes as a condition of their employment or otherwise, etc." By striking out the words "or otherwise" it would bring the idea of the contract plainly forward, showing that the only idea was the question of making the contract, as a condition of employment. Now I disagree with Mr. Riner as to the ruling of the supreme court. It seems to me that any contract they might require of an employe on entering their employ might be held valid because the employment itself would be a consideration. If the supreme court has held that no corporation can contract against its own negligence that is a different matter from holding that such contracts are null and void because of the absence of any consideration, the court could reasonably hold that the giving of employment of any kind would be a sufficient consideration. While I have some doubt as to whether the constitution is the proper place to incorporate this matter, and that it might be better to rely upon its being acted upon by legislation, I have no doubt as to the propriety of laying down a rule that no corporation shall require of an employe any contract which will protect them from their own negligence. That is how I understand this. In answer to the objection that it will keep out capital, I have only to say this is found in the constitution of Colorado and I doubt if any state in the union has received more rapid development and growth than that state, so it seems to me that objection is not good, and I am therefore in favor, in order to secure this right to the laboring man, that this should be incorporated in the constitution.

Mr. PALMER. I believe that the proper construction of this file is simply that no man can stipulate against his own negligence. It seems to me that the people, so large a portion of them being made up of laboring men, should have every protection, and every safeguard that the law can possibly throw around them to protect them from signing away their rights to their employers. The state of Colorado as I understand it has a provision of this kind, and the territory of Wyoming had one similar to it, but the compilers left it out. I believe it is nothing more than right for us to say that a railroad corporation, or any other corporation, cannot say to a man, if we employ you, you must take all the chances yourself, and this company will not be responsible to you for any damage that may result by reason of the negligence of ourselves or of any of our employes. Especially is this true in coal mines a man may be working in one room, and in the next room they may be blasting; he may be injured by another man in the same class of occupation as himself, without any carelessness or negligence on his part; he has signed a contract which stipulates that he releases the company from the carelessness of the man in the next room. I say it is an unfair and unjust proposition to say that a man before he is employed shall sign away his rights, and therefore I am in favor of this section, which I believe simply means that no company can stipulate against its own negligence or that of its servants. I think it would be a good thing in many respects if this doctrine regarding fellow servants of the same grade could be done away with and I think this convention will do well to respect the wishes of the laboring men in this respect, and adopt this file just as it is.

Mr. CAMPBELL. As I said before I have not given this bill a careful consideration, and am not prepared to say what my honest conviction is as to the construction, and I am not postive that it does not bear the construction placed upon it, because I have not given it the consideration it requires. But let me tell my learned friend, Mr. Palmer, that the supreme court of the United States has said, and said it distinctly, that no person or corporation can contract against their own negligence, the consideration being a money consideration or a labor consideration. They have said that as distinctly as the supreme court of the United States has ever said anything. that is the law from the highest court in the land on that subject. As I remember the case the facts were these: A person was employed by a news agency, that had a pass over the road, and because of that he could be called upon by the conductor of the train to perform the service of a brakeman or fireman or anything else, and as I remember it this young fellow, this news agent, was injured by reason of the negligence of the servant above him. He brought suit against the company and it finally came to the supreme court. I think Justice Miller decided it, and he said this: Inasmuch as it appears from the facts in the case that this person was in the nature of an employe, receiving his transportation as an employe, that the contract he signed upon his pass which is upon the pass of every person it was not a valid contract because he was an employe, and the company could not contract against its own negligence by reason of the employment given, but he intimated in his decision that if that pass was given without consideration the company could contract with the person receiving it, against its own negligence. Now that is the law, and in view of the construction to be placed upon this section I am opposed to it.

Mr. MORGAN. There can be but one construction placed upon this, and it is just as plain as can be. It does not take from the employer a single right that he has now under the law. It does not give to the employe any right that he has not, but simply says that the employe shall not contract and give away rights which he now has. I think it ought to pass.

Mr. FOX. I move we now take a recess until 2 o'clock.

Mr. TESCHEMACHER. I move we take a recess until 7:30 this evening. To sit here all day is a little too much, and then have to come back in the evening.

Mr. PRESIDENT. Gentlemen of the convention, the question is on taking a recess until 7:30 o'clock this evening. Are you ready for the question?

Mr. FOX. I don't see why we should not sit this afternoon.

Mr. TESCHEMACHER. I have given away every Saturday to let the gentlemen from Albany county go home, and the gentlemen from the western part of the territory, and I have not opposed their going, and I don't think they should object to this.

Mr. CAMPBELL. I have been here constantly, and I think to ask a man to come here every day from 9 until 10 o'clock at night is asking too much. I would like to get off this afternoon, but I propose to be here if we have a meeting. I would like to take my wife to the fair, but I will be here if anyone else is.

Mr. PRESIDENT. The question is on the motion that we do now take a recess until 7:30 this evening. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; we will now take a recess until 7:30 this evening.

EVENING SESSION.

Thursday evening, Sept. 19.

Mr. PRESIDENT. The convention will come to order.

Mr. REED. I move rule four be suspended

Mr. PRESIDENT. The rule was suspended for the morning session, and if there is no objection it will be suspended for the evening.

Mr. RICHARDS. I wish to present a proposition, if in order.

Mr. PRESIDENT. The presentation of propositions is not in order at this time, but may be received by consent of the convention. Is there objection to the proposition being presented at this time? The chair hears none; the gentleman will present his proposition. File 83 will be referred to the committee on salaries of public officers, if there is no objection. The file is so referred. At the hour of taking recess we were considering File No. 70.

Mr. CAMPBELL. I made a motion this morning to strike out that section and I now desire to withdraw the amendment.

Mr. PRESIDENT. Is there objection to the gentleman from Laramie withdrawing his amendment? The chair hears no objection; the amendment may be withdrawn.

Mr. SMITH. I desire to offer an amendment, to be added immediately after the last line of the section, "and the rule of common law as to the negligence of fellow servants shall not prevail in the courts of Wyoming.

Mr. RINER. I discussed this matter at considerable length this morning, and I do not propose to occupy the time and attention of this convention on this subject again, but simply to explain what this amendment means. The amendment proposed by the gentleman from Carbon, takes away what is known as the doctrine of fellow servants and makes the employer, makes the master liable in every case for the negligence of one servant to another, whether or not the master had anything to do with it or not. It makes the proprietor of a store liable for the injuries received by one of his clerks, caused by the negligence of another clerk. It makes the cattle man liable for the injuries received by one of his men upon the range caused by the negligence of another employe of his upon the range. It makes a railroad company liable to a section man for an injury received solely through the negligence of another section man. But I explained all this this afternoon. The bill as filed by Mr. Jones, I am satisfied after my examination of it, does not deprive the company or any individual of their defence, but makes them responsible, as they ought to be responsible, for their own negligence, and not where one servant is injured purely through the negligence of another, and without fault of the master. The purpose of the amendment is to make the master liable whether or not he has been at fault at all. He may have used every precaution and due care in every particular, yet with this amendment he is liable and there is no escape from it.

Mr. HARVEY. I certainly did not expect to have anything more to say on this subject but I am constrained to protest against it once more. If this is aimed at the Union Pacific railroad company all right, but I desire to impress upon the minds of the members of this convention that there are other corporations employing men, in this territory. There are corporations mining coal, and if I am not mistaken we are advocating statehood in order to bring in just as many corporations as we can possibly, and we don't care to throw in their way any unnecessary burdens. As it was originally I should have voted for the proposition, simply aimed at these ironclad contracts, but I tell you, gentlemen, this is a pretty marked innovation as now proposed, and I protest before this convention in behalf of the northern part of this territory against such a measure as this. I protest against aiming unnecessary blows at a corporation simply because it is a corporation. I tell you, gentlemen, this ought to be left to the legislature. Don't throw unnecessary obstacles in the path of corporations, for I tell you it is corporations that we need, it is corporations of great wealth that are now attempting to develop central and northern Wyoming.

Mr. SMITH. I simply desire to say in reply to the arguments against the amendments offered that this section was intended to reach a specified purpose, but I don't think it reaches it, and I offered the amendment for the purpose of reaching the intention desired in offering this section. I claim while a corporation has some rights, the men who work for them have some rights also, and they should be looked after just as well as that of the corporations. Now if a corporation employs a man in any capacity whatever, and he suffers an injury, and he is without means he has to wait until the thing goes through the supreme court of the United States before he gets anything. That is the way with corporations, and under that state of facts is it not fair that the employe, poor though he may be, humble in life, and without millions back of him to fight in the courts, is it not fair that they have some protection as well as the corporation?

Mr. CLARK. I was in favor of this amendment as originally presented, and I will convey what I have to say on this proposed amendment by supposing the case of two men employed by an attorney in Rawlins in moving his safe, and by the carelessness of one of them the other has his leg broken. Is the attorney to be made responsible?

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. The question now recurs on the proposition before us in print.

Mr. MORGAN. I move it be placed upon its final passage.

Mr. PRESIDENT. The motion is that File No. 70 be finally read and placed upon its final passage. Are you ready for the question? All in favor of the motion that File 70 be now finally read and placed upon its final passage will say aye; contrary no. The ayes have it; the motion prevails. Final reading of File 70. The question is on the adoption of the file. So many as are of the opinion that File 70 be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

Roll call.

Gentlemen, the vote upon File 70 is as follows: Ayes, 38; noes, none; absent, 11. By your vote you have adopted File 70 as a part of the constitution.

Mr. COFFEEN. We would ask consent that the report of the committee on corporations be presented at this time.

Mr. PRESIDENT. Is there objection to the report of the committee being received at this time? The chair hears no objection; the committee on corporations will present their report. Do you desire the report read?

Mr. RINER. I move the substitute be referred at once to the printing committee.

Mr. PRESIDENT. It is moved that the report be referred to the printing committee. Are you ready for the question?

All in favor of the motion will say aye; contrary no. The ayes have it; it is so referred.

There is upon the file for your action and final passage File 78, on live stock. What is you pleasure as to that file, gentlemen?

Mr. TESCHEMACHER. I move it be placed upon its final passage.

Mr. PRESIDENT. It is moved that File 78 be put upon its final passage. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Final reading of File 78. The question is upon the adoption of the file as read. So many as are of the opinion that the fille be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on File 78 is as follows: Ayes, 37; noes, none; absent, 12. By your vote you have adopted File 78 as a part of the constitution of Wyoming. Gentlemen, I believe that disposes of all the business on the table for final action. What is your pleaesure? On the general file there is a large amount of unfinished business.

Mr- TESCHEMACHER. I move we now go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. It is moved that we now go into committee of the whole for consideration of the general file. Are you ready for the question?All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Burritt take the chair?

Mr. CAIRMAN. Gentlemen, we have for our consideration File 76, on legislative department. At the time the committee arose the file had been gone trough with from beginning to end. What is your pleasure?

Mr. HARVEY. I move that when this committee arise they report back this file with the recommendation that it be adopted as amended.

Mr. BARROW. I have an amendment to offer. I move that the word "thirty" in line five be amended to read "twenty-eight" and that all that portion following beginning with the word "provided" be stricken out.

Mr. COFFEEN. There are three inconsistencies in this bill as it now stands. And you will all concede that it needs examination before it passes. In the first place Sec. 2 as amended does not make the lower house twice the size of the upper, and we have agreed it should not be less than twice. Instead of cutting the number down to twenty-eight I should favor an amendment to thirty or thirty-two, at least thirty, rather than a change in the opposite direction. Now I desire to call you attention to one or two things here. I wish to appeal to you in the sense of fair play, whether all things considered in the case, whether or not Fremont, Converse and Crook counties shall be entitled to two members in the lower house, while Johnson and Sheridan shall have but half that. The statistics prepared for this purpose show the following results: In Johnson and Fremont counties the difference is one hundred and thirty-one votes, and you give Fremont county twice as many in the lower house as you give the other. Now that is a pretty small difference on which to make a double representation in the lower house. In Sheridan county the difference is one hundred and seventy-seven, yet we have one-half of the representation in the lower house that Fremont county has. Carry it to Crook county, the difference between Crook county and Sheridan is two hundred and eighty votes, a small number to double the representation on in the lower house. The difference between Sheridan and Converse is four hundred and thirty-seven. Converse as compared to Johnson the difference is three hunder and ninety-one votes, and Crook as compared to Johnson the difference is two hundred and thirty-four votes. I desire to offer an amendment to the amendment by inserting the word "thirty" instead of "twenty-eight" in Sec. 3, and give an additional representative to Johnson and Sheridan counties.

Mr. CHAIRMAN. The amendment is not in order. The question is on the amendment to Sec. 5 as offered by Mr. Barrow. If the committee desires to amend Sec. 3 they can do so after the amendment to Sec. 5 has been disposed of.

Mr. BROWN. I wish to say a word to the members of this convention about the apportionment as it stands here. The whole scheme to me is one that has nothing equitable or fair to sustain it. The gentlemen from Laramie county on yesterday all professed at least that they wanted to be fair about this thing, and that they were opposed to the plan of representation of one from each county in the senate because it was unfair, and because it disfranchised a portion of the people of this territory, and largely in the counties of Laramie, Albany and Crook. It is proposed, and I suppose the figures are made here upon the plan proposed in the other as nearly as may be, it is proposed now to do what? To make the unit of distribution of members of the senate 1,200, and why is that proposed? Why the gentleman from Laramie, Mr. Hay, who presented this proposition, has adopted, as any of the rest of us might do, a unit of division that would give the largest possible representation to his own county. In selecting 1,200 he has accomplished that. The whole vote of Laramic county is 3,695, and by taking the unit of 1,200 the gentleman gets three members of the senate and loses practically nothing. The unit for the house in this proposition is 600, and by dividing 3,695 by that you lose nothing. These two units of division that were adopted because they exactly suit the situation in Laramie county, no matter what may happen to the other counties. Now let us go a little further. Carbon county and Albany couty each have 2,600 votes, or thereabouts, a little more than 2,600. By taking the unit of 1,200 you disfranchise in those counties 200 voters in the council from each of them. What do you do further? You say you will give Sweetwater county two members of the senate, that is the proposition as passed, on 1,747 votes. You say then in order to be exactly fair and to do what is equitable and just, you propose to give Sweetwater two members of the council, with 1,700 votes, and to give Albany and Carbon, each with 2,600 votes, 900 more than Sweetwater county, the same number of members of the senate. Is that fair; is that just? What further does your proposition do? You give to Uinta county, with 2,037 votes; you say Uinta county shall have a representation of two members of the senate on the 2,000 she has, as against 2,600 in Carbon and Albany. Is that fair; is that the way to meet out justice to these different counties on this question of apportionment? What do you do with Sweetwater in the house? You say we will give to Sweetwater three members of the house, and on what basis? With a vote of 1,700, and a little over on the unit of 600 it would take 1,800 votes for three members of the house in Sweetwater county, and yet you say we will give them two members of the council and we will give them more than they are entitled to in the council, and you do it on the plea of exact justice. Now you gentlemen observe how these matters apply. I am opposed to this method and this scheme of settling the representation in the senate, because you can never adopt a unit of representation, no matter what it may be, that will give exact, equal justice in representation to the several counties. It is an impossiility. But it is proposed to adopt that scheme. Now if it is adopted, what unit of division shall you take to meet the case the most fairly and equally? Not the units of 1,200 and 600. That can be easily determined by the figures, but by taking some other unit you can come more nearly to exact justice in representation as between the several counties. Let us examine this as to Albany and Carbon counties. Each of these counties are in this condition. They each have something over 200 voters that are debarred of representation in the senate. According to the unit adopted for division, one member of the senate is equal to two members of the house. In other words it takes twice as many voters to give one member of the senate as is required to give a member of the house. Then this is the situation. Two hundred are disfranchised as to senate representation in each of these counties. That is equivalent to 400 in the house. In addition to that each of these counties are disfranchised in their representation in the house in something over 200 voters. We have then to give them a full representation, taking these figures as they stand on the units proposed, we are fairly and equitably entitled in each of these counties to an additional member of the house, and still have something left over after giving us that representative. What you cut short in the senate, in order to be fair in the representation, must be made up in the other house. In making that up, taking these figures, it entitles each of these counties to one representative and a little more in order to be fair. Look at some of these other figures. Sweetwater with 1,700 votes has two members of the council. Fremont with 1,047 votes has one member. Converse with 1,307, coming within about 400 votes of Sweetwater, has one member of the senate. As between 1,307 and 1,747 is that fair or just or equitable to give to Sweetwater county this additional member of the senate, and say to Converse county you shall have nothing for you overplus? I don't believe in this way of disposing of matters of this kind. It is unfair, it is unjust, and I say to you so far as Albany county is concerned they would rather be deprived of the one representative that we are entitled to than to cut short any of the smaller counties. The only way in which that representation can be arrived at, and the way that is adopted in all instances so far as I know, whether you take it upon population, which is a proper way or an improper way, taking it whatever way you please, you must do it in this way, and in order to be fair, and it is universally done in this way, the larger counties because of their population and wealth and enormous representations are always cut short, and the smaller counties given a larger representation in proportion. That is the universal rule in all states, and in all legislatures where men have attemped to do the fair and honest thing. Now I ask you gentlemen to consider these matters, you have adopted this amendment, it is in your hands to amend as you please. We are opposed to the whole scheme, but if you are seeking to do justice, change this representation as it is now presented because I believe it to be an outrage upon the people of this territory.

Mr. TESCHEMACHER. I objected to the report of Committee No. 6 because that report had never been shown to me, but since I have seen the report, I desire to have it submitted to this convention on the ground that I think the chairman of the committee and the members of the committee have been outrageously treated in this respect. We were appointed a committee on boundaries and apportionment. We were to apportion the members of the first legislature I thought. I don't see what else the committee was for if not to apportion the legislature. We have never had a word said to us about the matter, but the legislative committee has come in and made a report. Now I know perfectly well, having devoted some considerable hours to going over the various constitutions, that there are propositions for putting this in the legislative article of the constitution, but a great majority either have a separate article or they have it in the schedule. There is no question about it. Now I stand here for Laramie county simply to say that I do not believe that any member of this convention from Laramie county wishes to do any injustice to the other counties of this territory, and I think under this apportionment act just submitted an injustice has been done. I think the unit taken there suits Laramie county a little better than it does any other county.

Mr. BROWN. I desire to say for Mr. Teschemacher that in discussing this matter privately he agreed entirely with me, and I think several members of the Laramie delegation agreed that it was unjust in its present form and condition, and I wish to say this in justice to these gentlemen, as my remarks may have indicated a different view.

Mr. CHAIRMAN. The report of Committee No. 6 will now be read.

(Report of Committee No. 6.)

Mr. BARROW. There is a good deal of jest about this report, but I am very much in earnest about this thing. If the gentleman will remove that one section from their report and refer it to the committee on apportionment I think we will try as a committee to do our level best to bring in an absolutely fair and square apportionment for the first legislature of the state of Wyoming.

Mr. HAY. I just want to say a few words in reply to the gentleman from Albany, Judge Brown. I think in his remarks he overlooked the portion of the proposition which provides for the dividing of the remainder. Now it happens that the number 3,600 is divisible by a great many different multiples. Take four, six, nine, twelve, and even thirteen and fourteen, and use the method here suggested for the division of the remainder, and it will come out just about the same. It happens in this case to favor Laramie county, but I deny that 1200 was taken because it gave Laramie county an advantage. I had no idea of getting up anything that was unfair, and if Judge Brown, or any other member of this convention, can suggest a number that will divide more fairly among these particular figures I would be very glad to accept it.

Mr. SMITH. I move that when this committe arise they report back this file to the convention with the recommendation that it be referred to the committee on apportionment.

Mr. BROWN. I object to the file being referred in that way. I think one section, Sec. 3 of the file, should be referred to the committee on apportionment, that properly belongs to that committee, but these other matters should be referred back to the legislative committee, and I move to amend the motion of the gentleman from Carbon by adding that Secs. 1 and 2 be referred to the legislative committee, and the balance to the apportionment committee.

Mr. HAY. It strikes me that the portion of this file which refers to the duties and powers of the legislature in future, that the apportionment committee has nothing to do with that, the apportionment properly belongs to them.

Mr. CHAIRMAN. The gentleman does not understand the motion. The motion is that when this committee rise they report back File 76 to the convention with the recommendation that Secs. 1 and 2 be referred to the legislative committee, and the balance of the bill, referring to the apportionment, be referred to the committee on boundaries and apportionment. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing on the general file is the substitute for Files 51 and 56, executive department. Sec. 1. Any objections? Sec. 2. Sec. 3. Sec. 4. Sec. 5. Sec. 6.

Mr. CAMPBELL Is there any provision in this bill that the secretary shall act as governor when the governor is away?

Mr. HAY. That brings to my mind something that occurs quite often under the present system, and I don't know whether it is provided against in this or not. The governor when absent from the state, the secretary acts as governor, but the governor may be absent for thirty days within the boundaries of the state, but away form the capital, and there is nobody acting as governor at all. I think if an amendment is added here, it would be well to add to it absent from the state or seat of government.

Mr. RINER. In the third line after the word "office" I move to insert "or is absent from the state or the seat of government."

Mr. PALMER. I would object to the latter part of that. Suppose the governor was in some point in the state in command of troops, we would have another man down here acting as governor. As long as the governor is in the state he is governor.

Mr. SMITH. I would amend the amendment by inserting after the word office the words "or is absent from the state."

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. Are there any other amendments to Sec. 6? The section is approved as amended. Sec. 7. Sec. 8.

Mr. CAMPBELL. In the eighth line where it reads "two-thirds" I move to amend by inserting the word "majority" in lieu thereof. I don't believe in giving the governor more power than the legislature.

Mr. FOX. I believe this is right as it stands. I think it should require a two-thirds vote to pass it over the veto. The other way you might as well have no veto at all. Whenever the legislature passes a bill that would settle it.

Mr. SMITH. Mr. Fox has stated partially what I intended to say, but I want to say this much more. That the purpose of the governor's veto is a check in cases of vicious or dangerous legislation. I believe all the states have adopted this two-thirds system, and I don't believe it is wise for us to depart from that rule, but if we are going to depart from it, and make it simply a majority, we might as well strike it out entirely and dispense with the veto part entirely, for it amounts to nothing.

Mr. CAMPBELL. My objection to this is simply this. It gives to the governor the same power that two-thirds of the legislature has, that come directly from the people. If a bill is passed and contains a vicious provision, the governor has the power to call the attention of the legislature to that vicious provision, and the reason why he does not sign the bill, and then I say the people should have the right a second time to say whether or not they are going to over-ride the will of one man, and it should be a majority of the people. I believe it is wise to leave it in the constitution, so the governor can call the attention of the legislature to some bill, and let him say why he objects to the bill, and the legislature may come round to his opinion, but I don't believe in giving one man the same power as two-thirds of the legislature have.

Mr. HARVEY. Veto has been defied as an instrument for the protection of the minority, and as a check upon the majority. We have adopted a system of legislation here, both houses based upon the same system of apportionment, which leaves the minority defenceless, and if you knock out this check upon the majority, where will the minority be? I must protest against this amendment.

Mr. COFFEEN. I confess I was not prepared to take up this question, but I am going to vote and speak for the amendment on my first conviction upon the matter. I am not with my friend from Converse on this question. I do not believe the governor is the representative of the minority, for he is elected by the majority of the entire state, and he comes in conflict for the time being with the majority in opposing a law, but as has been stated the veto power in some states if I mistake not, has been taken away entirely. While it is well and proper to repose great legislative power in your executive office of governor, think whether it is wise or not to give him more power than two-thirds of your legislature.

Mr. RINER. This matter was given some attention in the committee, and I have made a pretty careful examination of the question in other states, and I find one case, Rhode Island, where the power of veto is taken away from the executive, but it requires, however, that every proposition shall pass by a two-thirds vote of both houses, which amounts exactly to the same thing, and I am very loth to depart from a time worn custom, which has proved to be a very wise one in the management of legislation. I don't care to talk about it, but simply call the attention of the committee to the fact.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. Any further amendments to Sec. 8?

Mr. SMITH. In line 11 it provides that a bill shall be returned within three days. I don't think three days is long enough in a rush of legislation.

Mr. RINER. The matter was brought up and talked over, I think very carefully, by each member of the committee. I see no reason why he should take longer than three days to consider any bill.

Mr. GRANT. In the fifth and seventh lines strike out the words "elect" and insert the word "present."

Mr. BROWN. I suggest that the change be made to "members of that house."

Mr. CHAPLIN. If this should pass it might in some cases be possible for any number of the legislature, less than those who opposed the bill, to pass it over the governor's veto.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Grant. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. Sec. 9. Sec. 10. Sec. 11.

Mr. RINER. In the second line I move to strike out the word "auditor."

Mr. FOX. It seems to me that the secretary of state can perform the duties of auditor of state, and by attaching to the office a proper salary, we could get a good man to perform the duties of both offices, and save the state the expense of a state auditor. I believe we should reduce the number of state officers to the smallest number possible to have efficient service. I don't believe of course in crippling the state government, but I do think the secretary of state could perform the duties of the two offices, and thereby save the salary of an auditor.

Mr. MORGAN. I think we should have both an auditor and secretary of state. In the first place who will handle the contingent funds and other funds which should be audited, and a man should not audit his own accounts. If there is anything we need in a state, it is an auditor of public accounts, contingent and state funds. Now the secretary is already burdened with the additional duty of acting governor, and aside from that fact in the territory at at this time, the secretary has nearly as much work as one man can do, and do it right. We don't want a man to be acting governor, secretary of state and audit his own accounts.

Mr. RINER. I believe in attaching a fixed salary to the office, and let every dollar that is received be covered into the state treasury. This thing of contingent funds is the curse of this territory, and will be of the state. You give a man two or three thousand dollars for a contingent fund, and the fact of it is, it goes into his own pocket. That is all there is about it. Attach to each office a fixed salary, and make it large enough to get good servants. Get good public service by paying a salary which will secure to the state good and efficient officers. I think a man's fitness and competency is the only qualification to be considered by an intelligent voter in electing a man to this office, and so far as the secretary auditing his own accounts is concerned, if I have an opportunity to vote upon that question I shall certainly vote to attach a fixed salary, and let the state have the benefit of all fees and accounts.

Mr. MORGAN. The secretary of state would have to have a contingent fund as well as any other officer. The secretary has to attend to all the printing and everything of that kind, and it would be simply impossible to do without it.

Mr. CHAIRMAN. The gentleman from Laramie moves to strike out the word "auditor" in line two Sec. 11. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Sec. 12. Any amendments? Sec. 13.

Mr. CAMPBELL. Can anyone see why the auditor, taking into account his duties and qualifications necessary, should receive two thousand dollars, and the superintendent of public instruction receive fifteen hundred dollars? From the information before me at present I should thing the superintendent should receive two thousand dollars, and cut down the auditor to fifteen, if necessary to keep the figures the same.

Mr. RINER. Until otherwise provided by law, this you will notice is simply for the present. Considering the duties of our present superintendent of public instruction I think the salary is sufficient, and it leaves it in the power of the legislature in case the duties of the office should increase, to increase the salary and make it a proper amount.

Mr. CAMPBELL. I move the president of the university of the state of Wyoming be made superintendent of public instruction.

Mr. COFFEEN. I do not believe in the first place in making the president of the university ex-officio superintendent. The superintendent ought to be elected and most carefully selected, and his office should be at the seat of government, at the capital. In the next place the educational interests of the teachers ought to be distinct in themselves. I would not have the teachers of the common schools subject to the same influence that is going to be the guide in the building up of the university, and if the president of the university were here himself, I am sure he would not favor this thing.

Mr. HAY. I would like a little information as to the duties of the superintendent of public instruction. As I understand it, he only gets about five hundred a year now, and it seems to me for what he does he is pretty well paid at that. If he is going to be ex-officio president of the university it might be different, but simply for the superintendent I think two thousand dollars is too much.

Mr. BROWN. I move to strike out the word "and" in the second line, in the third line strike out all after the word "auditor" down to the words "state treasurer," and in the fifth line strike out the words "fifteen hundred," and insert "two thousand." If the duties of the superintendent of public instruction are to be the same as they are now, I agree with my friend that five hundred dollars is too much, but if the duties of the superintendent of public instruction are to be as they shall be made by law, two thousand dollars is too small. When a man goes over this territory and performs the duties of his office as they should be performed, and as the law makes him perform them, take a man the most of his time. And he will do well if he puts in all his time and has time for the work. The reason I made this motion is that I think all of these officers should be paid the same salary. Why should the auditor receive more than the treasurer? They should have the same salary, nothing less surely.

Mr. HOYT. If I may be permitted on this subject, as chairman of the committee on education, and other matters on education, which committee has already sent in its report, I desire to say that according to the plan and purpose of that committee, which I trust will be approved by the convention, they propose that the superintendent of public instruction shall be a member of the board of public lands, he shall have to do with the managements of these lands, that is the large body of lands that will come to the state in the interests of schools and education, he will have to do with the apportionment of the funds to the different counties, he will have a heavy correspondence with all parts of the state. There will no doubt in every county be a county superintendent with whom he will have official relations, it will be his duty to travel all over the state, to visit every county, to attend the institutes as they may hold their meetings, and to oversee the whole work of education in the state. According to the report of the committee he would be a member of the state board of health, to inspect the schools so as to bring the public schools under regulations of health, and promote in a general way education in this state. He will therefore be the head of education in this state. And I think should have a salary suitable to the needs of the office.

Mr. CHAIRMAN. The question is on the amendment to increase the salary of the state treasurer and superintendent of public instruction to two thousand dollars. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Sec. 13. Any amendments? If not the section will stand approved as read. Sec. 14.

Mr. FOX. It seems to me that some of the members of this convention seem to think we could get along without a state auditor, that Sec. 14 could be amended by tsriking out part of it, and providing that the auditor of the state shall be state examiner.

Mr. HAY. The idea of a state examiner is to have a man who will go over the entire territory or state, examine all public accounts in the state, counties, county clerks, treasurer, clerk of the court, etc., and perform any other duties in the way of examining public institutions as the legislature may provide, also to examine the auditor's office as well as other state officials. You certainly could not have a state auditor, and have him state examiner travelling all over the state at the same time. Another thing for the state examiner to do is to examine all banks incorporated under the state law, and every public institution of that kind, and I have no doubt that it will take all his time to attend to the duties of his office.

Mr. FOX. I only offered it as a suggestion.

Mr. CHAIRMAN. Any amendments to Sec. 14? If not the section will stand approved. Sec. 15.

Mr. RINER. An amendment has been handed to me which I think in view of the action already taken is a very proper one, and I offer it as an amendment to be added to the substitute, to be numbered 16 I believe. The amendment is this: "The governor of this state is authorized to call upon the supreme court of the state for opinions on points of law in times of emergency and the supreme court shall give such opinions without unnecessary delay and without additional compensation. This amendment is offered because we have done away with the office of attorney general, and this provides that the supreme court shall advise the governor. This has been done in several of the states.

Mr. PALMER. It might put the supreme court in a very embarrassing position to be compelled to answer state officials concerning their own affairs, and I suggest that it only refer to matters of state that opinions be required from the supreme court.

Mr. HARVEY. I looked into this matter in connection with other members of the committee on judiciary and I was at first inclined to favor it. They adopted this proposition in Colorado, and one of the state officials called upon the supreme judges to answer a question of law in connection with some controversy which had come up in his office, and the judges very naturally said that this question is very apt to come before us for decision, and we therefore decline to answer it. The more I think of it the more it seems to me a dangerous provision. The supreme court cannot act as attorney general and supreme court.

Mr. CONAWAY. I move this committee now rise, report progress and ask leave to sit again.

Mr. CHAIRMAN. You have heard the motion, that this committee now rise, report progress and ask leave to sit again. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. CAMPBELL. I move its adoption.

Mr. PRESIDENT. It is moved the report of the committee be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move we adjourn until 9 o'clock tomorrow morning.

Mr. PRESIDENT. It is moved we now adjourn until 9 o'clock tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it. The motion prevails. The convention will now adjourn until 9 o'clock tomorrow morning.

SEVENTEENTH DAY.

MORNING SESSION.

Friday Morning, Sept. 20, 1889.

Mr. PRESIDENT. Convention come to order.

Roll call; twenty-eight members present.

Reports of committees.

Mr. BURRITT. I desire to move that the irrigation file be made special order of the day for tomorrow morning.

Mr. PRESIDENT. It is moved that the file on irrigation be made special order for tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BAXTER. I move we now go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Teschemacher take the chair?

Mr. CHAIRMAN. Committee will please come to order. The committee arose pending the following amendment offered by Mr. Riner "The governor and other state officers are authorized to call upon the supreme court for opinions on points of law in times of emergency, and the supreme court shall be required to give such opinions without unnecessary delay and without additional compensation."

Mr. HAY. I introduced that proposition originally, but it has been changed in some respects, my idea was that the governor should be allowed to call upon the supreme court on grave points of law, in emergencies, and not that the supreme court should be made attorney general at all. In other states they have adopted this and it seems to have worked very well, but as to allowing the supreme court to be called upon for every trifling matter that arises was not contemplated at all, and including the other state officials was not a part of my proposed plan. These two changes give it a very different character and would naturally prevent the committee from favorably considering it. I think if we would go back to the original proposition it would probably be very satisfactory and prove to be very useful.

Mr. POTTER. I move this be referred to the judiciary committee and I will state my reasons for that. You must not forget that this is an exceedingly grave matter. You would make the supreme court give an opinion on a question that might effect very great property rights of individuals, without their being heard. Colorado has a provision in their constitution that the supreme court shall be called upon to give opinions to the legislature and the governor upon similar occasions, and that court by a very well considered opinion has shown the dangers of that kind of a requirement, and that the court has to be very careful in answering questions, that they do not answer some questions that will involve the rights of individuals without giving them a chance to be heard, because the opinion of the court becomes a precedent, and this system has been found to be very dangerous, and indeed we would have to have a supreme court composed of extremely cautious men, men of very wise judgment to carry into effect rightly and properly a provision of this character.

Mr. CAMPBELL. I was opposed to this because it made the supreme court an attorney general, but with the explanation made by Mr. Hay, I can see no objection, and I don't think it goes to the extent my learned friend from Laramie seems to think. They have this provision in Nebraska, and while perhaps it is not favorably considered by the lawyers and the courts, it has not worked any great evil. I believe when the supreme court or any court or lawyer who is called upon to express an opinion in an emergency, I believe that any lawyer or judge who has any ability will not hesitate to reverse that opinion the moment he is convinced he is wrong, and I am willing to trust, in grave matters of this kind, that a supreme court when the question is again brought before it, if they are convinced that they are wrong in the opinion that they have delivered, they will reverse it. I will give you an illustration. Judge Black when he was practicing at the bar had a question submitted to him by a number of persons as to the validity of certain bonds in a proposed railroad, he considered the matter a long while and gave them a very long opinion upon it, upon which he had spent considerable time. He was afterward elected to the supreme court of Pennsylvania, and became the superior judge of that court. A similar question came before the supreme court for discussion, not the same case, but one involving the same principle, and he reversed his own opinion in that case. I believe that the citizens of this territory will not elect persons to the supreme court that will be wedded to a private opinion, and not willing to reverse themselves if they are convinced that it is wrong, and I am in favor of the proposition with the modification Mr. Hay has suggested.

Mr. CONAWAY. The case stated by Mr. Campbell is one of the strongest arguments that could be made against this proposition. That opinion given by Judge Black was given as an attorney, and did not carry the weight and authority with it that an opinion from the supreme court of the state or territory would carry, but it was sufficient as it was to induce men to take important steps and acquire property rights under it, and after the same question had been investigated and submitted to the supreme court, it became necessary to unsettle all the property rights which had been acquired under the previous opinion. I am utterly opposed to the proposition. It was considered by the judiciary committee before they made their report, and they were almost unanimously opposed to it, and I do not believe anything can be gained by referring it back to the judiciary committee. The decisions of your supreme court are quoted and will be quoted as long as your territory or state exists, and we cannot tell how far reaching the effect may be.

Mr. BAXTER. It is impossible for any judge upon a statement of facts before the matter is brought into court to say what his decision will be, because there are thousands of side lights thrown upon the question from its appearance in court, and his decision before it reaches that point, and anything he might say before it was brought before him on the bench would only have the weight of an opinion that might be obtained from any attorney in his office, and does not carry the weight of a decision from the bench. In addition to that it seems to me that many of these questions would probably result finally in the supreme court, and it would hardly be a satisfactory thing to the other party to the contest, who was presumably the loser in going there before a judge that had already passed upon the question, and I don't think it would be very satisfactory to the supreme court to be called upon to pass upon questions, and subsequently to reverse themselves if they felt they ought to do it. My own impression is that it would be far better to have an attorney general. It seems to me that upon grave and serious occasions, that the state officers might and very likely would be in need of advice, and there should be some properly constituted authority to whom they could go, and I think for twelve hundred dollars a year the services of a competent man could be secured as attorney general.

Mr. HOLDEN. I do not desire to discuss this question. I take it that it is the sense of this convention, as it will probably be expressed when the matter comes to a vote that it is not desirable to have the supreme court perform the duties of attorney general of the state. The lawyers understand and everybody else ought to see clearly why that should not be the case. I will only say that it does seem to me that, if there is any person throughout the length and breadth of this state whose mouth should be closed with reference to the expression of an opinion upon any given question, that is liable to come before the supreme court, or any other court for judgment or decision, that that person is the judge of that court. For that reason I think it unnecessary to refer this question to the committee, because whenever it comes back here, in whatever form it comes, this convention will vote it down. I don't believe in making an attorney of a supreme court, and I think that is the sense of this convention. It seems to me to save time, and I regard time as precious just now, the better way to do would be to vote upon the proposition, and vote it down right away.

Mr. POTTER. The reason that I made that motion is this. I did not know what discussion had been had upon the subject last night, as I was not here. If the convention don't want that kind of a provision well and good, but I am satisfied as this is now that individual rights might be jeopardized time and again, if the supreme court acted as attorney general as well as judge.

Mr. FOX. Speaking from a layman's point of view, I don't belong to the legal profession, but from a citizen's standpoint, that it is no more than right that the supreme court should have something to do. If we have a supreme court and pay them a sufficient salary to live upon, they won't have more than two weeks work in the year, and I see no reason on earth why they should not be required to give any information that would be required of a state's attorney. I believe that the men and I believe that the people would be better satisfied, and I don't see why a judge of a supreme court cannot give his opinion the same as any other business man, and if he finds he is wrong he can say so, when it comes before the tribune of justice, and I see nothing to prevent it.

Mr. CHAIRMAN. The question is on the motion by Mr. Potter that this be referred to the judiciary committee; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so referred.

Mr. MORGAN. I desire to offer an amendment to this bill, but I hesitate to do so because of the preciousness of our time, and yet I desire to offer an amendment to this bill because I think it is important, and if you do not think so, you can vote it down, and that is this: Sec. 14 provides for a state examiner. I move it be stricken out and that Secs. 1,720 and 1,721 of the revised statutes be inserted in its place. This provides that the state examiner shall be appointed by the governor and confirmed by the legislature. Now I believe that the state auditor's accounts and the state treasurer's accounts should be examined as nearly by the people as possible, and I believe that the manner provided for in our revised statutes is much better than by an examiner appointed by the governor. I should much prefer the present plan of one member of the senate and two of the house. Then there is another important question that will come in here, just consider the mileage this official will necessarily have to pay. He will have to travel over every county in the territory, and he would have to pay his board. I believe each county should be left to govern its own affairs as much as possible. I believe that nothing should be done at Washington that can as well be done in the state, and nothing should be done at the seat of state government that can as well be done at the county seat, and that nothing should be done at the county seat that can as well be done in the township. I believe this is a very important matter. I believe the counties should be allowed to appoint their own county auditor, to examine and manage their own affairs.

Mr. PALMER. I am surprised to hear a Republican counseling local self government.

Mr. HAY. These two sections which the gentleman refers to have been on the statute book for some two years, and we have had no examination made under it. Under this provision I don't see that the appointment of a state examiner is going to prevent that legislative examination every two years or whatever it is. I don't see that it would prevent the examination by the representatives of the people at all, and I think so far as the question of the state examiner examing the officials of trust in the various counties, he may save some county a good deal more than his salary and expenses, and also save a good deal to the state. This has been tried in a number of states and worked exceedingly well.

Mr. SMITH. I have my own views on this proposition, but I hope this amendment to strike out and insert these two sections will not prevail. The matter of examing county records and the different officials of the various counties is important, and yet it does seem like an innovation to have a state official come in and do that. That may be wise, but to strike out that and insert the other it seems to me makes it a matter that belongs to the legislature and has no business in the constitution at all.

Mr. CHAIRMAN. The question is on the substitute. All in favor of the substitute will say aye; contrary no. The noes have it; the amendment is lost.

Mr. JEFFREY. I have a substitute to offer for Sec. 14. I think that every member of this convention realizes the importance of this subject now under consideration. The greatest objection I see is this. If we elect a state or county auditor, or whatever you may term it, it may become necessary to examine the actions, look into the accounts and reports of that official himself. I think the people should hold in their own power and grasp all powers that are not necessarily delegated to any official. I have here a proposition which covers this point, which will retain it within the power of the people themselves, delegate it to men taken and selected from the people themselves. The proposition is this: "The district court of each county at each term thereof, shall appoint a number of such grand jury, not exceeding five, to investigate the official accounts of the treasurer of said county, and report the condition thereof to the court."

Mr. FOX. My first objection to this is that I believe the powers should be delegated to the legislature, and in the next place I don't believe an ordinary grand jury is competent to examine the accounts of the treasurer.

Mr. BAXTER. I am opposed to the adoption of this substitute for the reason that I don't believe that it reaches the point as well as the section as it now stands. I cannot conceive of any higher obligation than this convention owes to the people of this territory than throwing about public funds the desired protection. I prefer the method as laid down here than the amendment proposed, for the reason that whoever the governor may appoint will presumably be an expert in his business. The governor will be directly accountable to the people for his appointment. He would be a citizen of the state just as much as this committee would be citizens of the state, he is selected by the people just as much as this committee would be, exactly in the same way, and he would be just as much a direct representative of the people as you could get in any other way. His duties are that he shall examine certain state officials, the treasurers of such public institutions as may be prescribed by law. Now it seems to me we would have in the employ of the state an examiner who understands all these accounts, and to whom the people will look directly for protection, and a man who would be a little more competent to do it than the ordinary run of grand jurors or committees. Not that I desire to cast any reflections upon the grand juries, among whom we number our best citizens, but however qualified a man may be in his special department, he may not be competent to examine into the accounts of these officers as a man would be who is especially qualified and selected and directly responsible to the people for his actions.

Mr. JEFFREY. With all due respect to Mr. Baxter I must deny that the governor is as competent to appoint a man to this position as the people themselves. The governor of a state, while he may be conscientious, pure in his intentions, and honorable in all his motives, is more or less influenced, and must necessarily be influenced by considerations political and their surroundings. We take it for granted that these citizens selected from the body of the people are selected surely with some respect, with some consideration for their qualifications for serving as grand jurors, that they have some idea of things. I have no objection to the appointment of a state auditor or county auditor, or whatever you see fit to term it, but I claim that this is a right that should remain with the people, and the grand jury certainly comes more near to representing the people, and will be more interested in seeing that the affairs of their counties are honestly administered than any state official could possibly be, and for this reason I propose this amendment. I believe the power should be conferred expressly upon the representatives of the people, as grand jurors, and while I am not opposed to the appointment or election of an auditor of state, for this purpose, I am in favor of throwing around the public funds and the administration of public affairs, this additional safeguard, and not leaving it unsettled by placing it in such express terms that every man who holds office under the constitution of this state will know that at any time his accounts and his affairs are liable to examination and investigation by a committee of grand jurors of the county in which he may hold office.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Jeffrey. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

Mr. BROWN. I have an amendment to offer to Sec. 1. We say that the executive power is vested in the governor, and we go on and provide for officials, as may be provided by law. I offer the following as a substitute, as I think the section should be amended: "The executive power shall be vested in the governor, secretary of state, auditor, treasurer, and superintendent of public instrtuction, and such other officers as may be prescribed by law, and who shall hold their offices for four years and until their successors are duly elected and qualified."

Mr. CAMPBELL. I think we want to go a little slow about this. I take it there is a difference between executive power and executive department, and by this amendment you divide the executive power, which should be in the governor, and not divided among these other officers. I think Judge Brown will see that he ought to change his words and make it executive department instead of executive power. Under this amendment you vest the executive power in a dozen different officials, and it should be vested in the governor and the governor alone, but the executive department may consist of a dozen different officials.

Mr. CONAWAY. I wish to say a few words upon this question and express the ideas I have as briefly as I can. It seems to me that the sections as they stand express the intention of the committee who made this report. They are in the ordinary form of such provisions in the different state constitutions, and in the proper form. The article is headed executive department. Sec. 1 provides for a governor, in whom the executive power is properly vested, the other section goes on and provides for other officials, who together with the governor constitute the executive department. I presume that the amendment was introduced with the idea of making the sections consistent with each other. They are consistent as they stand. Executive department has an entirely different meaning from executive power. Under the head of executive department we provide for a governor and what power he shall be vested with, and for other officials, and with what authority they shall be vested. It covers the whole question, and I do not think the amendments are necessary.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no; The noes have it; the amendment is lost.

Mr. BROWN. I think the convention has made a great mistake. We say that the judicial power is vested in a certain court, by an affirmative amendment it excludes all others.

Mr. MORGAN. I move to strike out the word "shall" in Sec. 14 and insert the word "may."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment prevails.

Mr. POTTER. To carry out the idea of Sec. 1 and to bring it before the convention in a more simplified form, that there should be no question about the right of the state to increase the necessary officers, I move to insert at the end of Sec. 11, which provides for the election of a secretary of state, auditor, etc., "the legislature may provide for such other officers as may be deemed necessary."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. SMITH. I move when this committee rise they report back the substitute for File 51 and 56 with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing on the general file is the substitute for Files 9 and 36, militia. Sec. 1.

Mr. PALMER. I move to strike out the word "male." If the women vote, I don't see why they should be excluded here.

Mr. BURRITT. In line two I move to strike out "eighteen" and insert "twenty-one."

Mr. FOX. I object to the motion because the United States law makes all persons eighteen years old subject to military duty.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

Mr. SMITH. In line four I move to strike out "shall" and insert "may."

Mr. JEFFREY. I hope the motion will not prevail. This is the usual provision.

Mr. CHAIRMAN. I believe there was no second to the amendment. Any further amendments? Sec. 2.

Mr. BROWN. I move to strike out all of Sec. 2 after the words "United States." The other part of the section, that the legislature shall provide for the enrollment, equipment discipline of the militia, are all that is necessary to make the state militia effective, and it enforces them to pass such laws as may be deemed wise for the purpose of forming military organizations. I can see no reason why you should put a clause in the constitution patting the legislature on the back, and encouraging them to make appropriations to promote volunteer organizations. I think we can trust the legislature to deal wisely with the military question in the future. The words seem to me entirely superfluous, and since the first part gives the legislature power in its discretion to do all the things mentioned in the last clause.

Mr. FOX. I will make an explanation in regard to this. The matter was brought up in the committee, and this section was recommended to be added for the reason that we have some voluntary organizations that have organized, elected their officers, bought their uniforms, and have to pay for a place of meeting for the transaction of their business, and to keep their belongings together, and they have to pay all their expenses out of their own pockets. If they have to pay some rent they have got to get up some kind of an entertainment to do it, to raise money to keep up their organization, I think as long as these men have volunteered to organize into a body that may be called out at any time to supress insurrection, it is no more than right that they should have expenses paid, or nearly so.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BAXTER. I move to strike out the words "no device." My reason for this is this. There is a company of Wyoming militia in this city, Co. B, and they have recently been discussing a flag for the company, and they have just about decided upon what they will get. Their idea is to get a flag of the United States, and upon either side would be the coat of arms of Wyoming. They would combine the idea of loyalty to the general government and their allegiance to the state of Wyoming. I do not think they should be allowed to carry any other flag than the flag of the United States, but think they should be allowed to make a choice of such device for a company banner as will be distinctive of the company.

Mr. BURRITT. I would like to ask some members of this convention who have examined the state constitutions of other states, if they have found a single provision of that kind in it. These matters are all left to the legislatures.

Mr. FOX. The object of this said section was to prevent any military organization within the state from carrying any flag but that of the United States. We do not want any military organization in this state going around with any other flag.

Mr. BROWN. I quite agree with the object of the committee in presenting this section. When a man becomes a citizen of the United States he wants to remember from that time on he is a citizen of the United States, and he don't want to carry around the flag of any other country, but in order to cover the suggestion offered by the gentleman from Laramie, I desire to offer this substitute. "No military organization under the laws of this state shall carry any banner or flag representing any sect or society, nor the flag of any nationality but that of the United States."

Mr. CHAIRMAN. The question is on the substitute. All in favor of the amendment will say aye; contrary no. The ayes have it; the substitute prevails.

Sec. 5. Any amendments? The section stands approved.

Mr. FOX. I move when this committee arise they report back this file with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing on the general file is File 31. Sec. 1. Any amendments?

Mr. IRVINE. I move to strike out Sec. 1.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. BURRITT. I move this committee rise and report.

Mr. CHAIRMAN. It is moved that this committee now rise and report. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Sec. 2.

Mr. HAY. I move it be stricken out.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. IRVINE. I move this committee now rise and report.

Mr. CHAIRMAN. The question is on the motion to rise and report. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Sec. 3. Sec. 4. Sec. 5. Sec. 6.

Mr BAXTER. While our chairman seems to want to rush us through like a race horse, I have an amendment to offer to Sec. 3. By adding after the words "common carriers" the following: "And as such must be made by law to extend the same equality and impartiality to all who use them, whether individuals or corporations."

Mr. POTTER. I believe the convention is rushing into something here that they will not themselves vote for, and this matter is one that requires a good deal of consideration, and I don't think we have time now to consider it. It is nearly noon now, and I don't think we should try to take up this subject this morning.

Mr. CHAIRMAN. The question is on the amendment as offered by Mr. Baxter. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Sec. 7. Sec. 8. Sec. 9.

Mr. SMITH. I move that when this committee rise they report back this file with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. IRVINE. I move this committee now rise and report.

Mr. CHAIRMAN. It is moved that the committee now rise and report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. SMITH. I move the report be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move we adjourn until 7:30 this evening.

Mr. PRESIDENT. You have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Evening Session.

Friday evening, Sept. 20th.

Mr. PRESIDENT. Convention will come to order.

Mr. BURRITT. I move we go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. Gentlemen, it is moved that we do now go into committee of the whole for consideration of the general file. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails.

Will Mr. Burritt, of Johnson, take the chair?

Mr. CHAIRMAN. Gentlemen of the convention, the first thing on the general file is the substitute for File No. 50, judiciary. Sec. 1 will be read. Any amendments to Sec. 1?

Mr. COFFEEN. I have an amendment to offer. To insert after the last word in the second line the words "courts of arbitration." I think this convention has already indicated its favorable opinion towards courts of arbitration, so I move to insert the words "courts of arbitration."

Mr. GRANT. Is there not a section in the file providing for such courts?

Mr. COFFEEN. Yes, but it does not recognize them as one of the departments of the judiciary, as I believe it should.

Mr. CONAWAY. This is a question that deserves serious consideration, and I think the gentleman has made his motion without sufficient consideration. In the course of my experience and observation, and I wish to call the attention of the convention to this point, and I think the experience of others who have had experience in legal matters is the same, I wish to call the attention of attorneys and everybody else to the consideration of the fact that a court of arbitration is a misnomer, and is unknown to law. We have boards of arbitration, but such a thing as a court of arbitration, I never heard of. A court is an authority that may not only decide between the rights of parties and say what those rights are, but it is an institution that can render judgment and has an officer to enforce that judgment. A court of arbitration never did nor never will have such an officer. That is the difference between a board of arbitration and a court. Now if it is desirable to establish a court of arbitration with a sheriff or marshal or any other officer whatever you may choose to call him, to enforce its judgments, that is a very important question to consider, if that is the proposition, and I do not want this convention to pass upon that question without serious consideration. And there is another important consideration that has weight upon this point. Whether such a court is necessary? Cannot any court that we have now in this territory, already organized, with all the officers necessary to carry its judgments into effect, cannot any of our courts proceed and render judgment in these matters, without the trouble of organizing a separate court, or board of arbitration? If the parties have come to that point that they are willing to agree upon a question of differences between them and submit them to a board of arbitration why not submit it at once to a court? After they have gone through the process of submitting it to a board of arbitrators, they are just ready to go into court and lay aside that decision if either party does not wish to abide by it. That is the objection that I have to calling it a court of arbitration. It is not a court and you cannot make it a court without making a great many other provisions besides the one offered. They are utterly powerless to enforce any decision, and I hope the convention will consider this very carefully before they act upon it.

Mr. CAMPBELL. I beg the indulgence of the convention a few moments. I am heartily in favor of this amendment. I don't think that any of the difficulties suggested by my friend from Sweetwater will apply to this amendment at all if put into the constitution. We might have courts of arbitration that would work very well in certain cases. I don't think it is the purpose of the mover of this amendment, that any judgment that the court might render should be a final judgment. Let me illustrate for a moment how if you have a court of arbitration it would be advantageous to persons having claims against debtors. Say, for instance, that Mr. Hay, the cashier of the Stockgrowers' bank, has a note for two thousand dollars against a person in Fremont county, he wants to get judgment against a debtor in Fremont county, suppose that note becomes due in August of this year, and the man don't pay it, Mr. Hay wants some security, but he cannot get it, he has got to wait until next June for a judgment in the district court sitting in Fremont county. Now if you had a board of arbitration Mr. Hay could go to the clerk of the court, after serving notice on the debtor, and have three parties appointed to determine whether or not you owe Mr. Hay that money. That board may be learned or not in the law. They pass upon this claim and Mr. Hay gets a lien against the real estate. In a country like this where in several of the counties we only have court once a year, I think it would be a very wise plan to have some process which will protect persons against a foreign creditor, and permit him to have some process which will operate against any real estate the man may own. I know in some states where they have such a provision as this it operates very well, and the attorneys would not part with it.

Mr. SMITH. As a process for collection of debts, I should favor this proposition, but it seems to me it should not come in here, as a board of arbitration is purely a creature of the statute, something not known in common law, and should be left to the legislature to regulate, and I think this matter is entirely covered by Sec. 27 of this file. They simply enter a finding and that is entered by the clerk of the court, and that is a lien against the real estate, but that is not making that board a court in any sense. They cannot enforce the judgment themselves, and have no officer by which they can enforce it. The process is a good one, but it is something in the nature of legislation. And we ought not to put it in here and try to make a court of it when it is not a court in the sense in which we use the word court. Sec. 27 covers the ground entirely, it gives the legislature power to provide for this, and to prescribe its duties and powers. If you are going to make it a court, you must necessarily go further, and provide for a great many things besides, and turn this convention into a legislature.

Mr. COFFEEN. I want to say a word in reference to this, having introduced the amendment. If the gentleman who first followed me, making his argument applying to the word court, prefers the word board, we will accept that amendment, but if he means entirely to prevent the judicial power of this state being so constituted that the laboring people can have their difficulties settled without expense and trouble attending litigation in labor troubles, and labor questions, I must conclude he is not in favor of either one, board or court. I want this classed among the judicial powers of the state, I want to have the powers expressed in File 84, introduced here by Mr. Russell, but in addition thereto I want to have these boards of arbitration recognized as a part of the judiciary of the state, where laboring men, labor associations, can have their rights adjudicated, in case of strikes, and difficulties which so frequently arise, so that they can have them settled without the great expenditure of money which usually attends matters of this kind.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended.

Mr. POTTER. I move to insert the word "such" before the word "courts" in the second line; such courts of arbitration.

Mr. COFFEEN. I am opposed to this amendment. In the first place it does not read well, but I will not press that. But this leaves it voluntary with the legislature whether they do these things or not. I do not want any uncertainty about it. I want to fix it so that the laboring people of this country can have their difficulties passed upon by a responsible court. By inserting this word such you destroy the whole thing. I want to say that the legislature shall establish these courts of arbitration just as they shall any other court.

Mr. POTTER. I don't think my amendment is subject to the criticism the gentleman has made upon it, and in suggesting that amendment I do not want to be understood as desiring to oppose the laboring classes of this or any other country. I am a laboring man myself, and if anybody works longer or harder than I do I would like to find that man. I see no objection in making it incumbent upon the legislature to provide for a board where a number of employes, or a number of persons, shall be permitted to submit their differences to that board. But you here say you will establish a court of arbitration, and as stated by the gentleman from Sweetwater, if you do that it will be necessary to prescribe all the matters and things connected with it. What it shall consist of, what it shall do, and how it shall do it. I thought we could obviate all this by inserting this word "such," leaving it to the legislature to prescribe such boards of arbitration as they saw fit. I am opposed however to the establishment of a court of arbitration, which shall have jurisdiction in all cases between an employer and an employe, because we give them a dozen other courts, learned in the law who shall determine those questions. If an employe has any difference with his employer, he has the justice of the peace court, or the district court, in which he can recover his wages, the same as any other creditor has. We have a provision in our statute now for the arbitration of differences, and I know that it has been acted under. I have seen a voluntary submission of their differences, and we have seen it right here. But as I said before this section as it stands now with Mr. Coffeen's amendment, making these courts of arbitration a part of our judiciary, necessitates a great many other things. We may want more than one court; how many are you going to have? Are they to be elected or appointed? Are we going to prescribe all these things or leave it to the legislature to provide these? It seems to me that the word "such" in here is necessary.

Mr. CONAWAY. The discussion shows just what I apprehended in the first place. The difference in regard to the functions of this court as stated by Mr. Campbell and Mr. Coffeen, shows this. My friend from Laramie wants it in order that creditors may collect their debts, and my friend from Sheridan in order that differences between employer and employe may be settled. I see no objection to the word such, and in order to make the idea clear, to make clear the meaning desired by my friend from Sheridan, we can insert a few more words here, and I think it will be all right. Insert "such courts of arbitration as the legislature may establish, and such other courts as the legislature may by general law establish."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Any further amendments? Sec. 2.

Mr. CAMPBELL. I move that no person be allowed to speak for more than two minutes and a half, and not more than once.

Mr. COFFEEN. I want to speak just a moment on that question. If you will only apprehend the situation, you will notice that the non-professional part of this convention has been very quiet, and said very little, but has depended largely upon a single delegate to make speeches in their behalf, so you see if you only think a moment that if he is limited to one speech then it is simply to give way to the other side, unless some of the other non-professional members will come forward.

Mr. MORGAN. I rise to a point of order. I don't believe debate in committee of the whole can be limited.

Mr. CHAIRMAN. The chair believes the point of order well taken. Any fuurther amendments to Sec. 1? If not it will be approved as read. Sec. 2. Sec. 3. Sec. 4.

Mr. CAMPBELL. In the sixteenth line. I move to strike out the word "vacancy" and insert the words "the unexpired term occasioned by such vacancy." That the judge shall fill the unexpired term, instead of commencing a new term for himself. Take for instance a judge elected this fall, and he dies next June, the governor has to appoint a person to fill the vacancy until the next general election, and that the person shall be elected to fill the unexpired term of the person who dies.

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you read for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the section is so amended.

Mr. PALMER. I move to strike out in the third line the word "eight" and insert the word "three." I believe that eight years is too long for a judge to hold his office, and that six is a happy medium between a four and an eight year term, especially so where there are three supreme judges, the first to go out at the end of two years, the second at the end of four, and the third at the end of six, it makes it come out very nicely. I think four years is too long to give an untried judge of the supreme court. It might do very well where the courts have been tried. In the state of Illinois, where I am proud to say they have the best judiciary in the United States, they use the six year term, and it is found to work very successfully there.

Mr. PRESTON. I just wish to correct Mr. Palmer, that is all. I came from Illinois, and pretend to know a little about the law there, and instead of being six years it is nine. The district judges are six and the supreme judges nine.

Mr. CHAIRMAN. The question is on the amendment to strike out eight and insert six. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes appear to have it; the motion to strike out and insert is lost. Any further amendments to Sec. 74

Mr. COFFEEN. I move that when this committee arise they report back this file to the convention recommending that the supreme court shall consist of three of the four district judges, whom we shall provide for, and not have a separate supreme court, and for this purpose that File 50 be referred back to the judiciary committee. I make this motion to test this question.

Mr. BARROW. Second the motion.

Mr. CHAIRMAN. You have heard the motion of the gentleman from Sheridan. Are you ready for the question?

Mr. SMITH. I rise to a point of order. That File No. 50 has been referred to this committee for their consideration. They may consider that file, and they may amend it and change it, as they see fit, but they cannot take up an original matter here, and recommend it to the convention, when the convention has gone into committee of the whole, to consider this. He can make any amendment here, but this committee has no authority to take up a proposition of that kind.

Mr. COFFEEN. I do not wish to take up the time of the convention except that I desire to get this question of a separate supreme court before this convention, in such a way that we may have a chance to vote upon it, and for that purpose I introduced this motion. For myself, I believe that the three out of the four district judges which we will provide for will be perfectly satisfactory.

Mr. CHAIRMAN. It is the opinion of the chair that if the gentleman desires to get at the subject matter to which he referred he may do so by moving to strike out Sec. 4, and that is the only proper way to get at this matter included in his motion, to get it before this committee.

Mr. COFFEEN. I thank you for your assistance, and for the purpose of getting the question before the committee, I move to strike out Sec. 4.

Mr. BARROW. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that Sec. 4 be stricken out. Are you ready for the question?

Mr. COFFEEN. There are those among us who have expressed themselves as being seriously opposed to the idea of a supreme court, that is a separate supreme court, and my object in bringing this matter up at this time is to give those who are opposed to that a chance to say a word in favor of the other system.

Mr. CAMPBELL. I wish to call the attention of the members of this convention to the situation of this judiciary report. Before the judiciary committee formulated any report at all they asked permission as a special favor that the convention consider this question as to whether we should have a separate supreme court or not. The question was brought up and discussed by those in favor of a supreme court and those against it, and the convention decided by its vote that we should have a separate supreme court. The committee then formulated this report, and it was brought in and discussed by the convention, and it is not right that this matter should be brought up again and referred back to the judiciary committee again. The convention has already decided that we are to have an independent supreme court, and there is no need of bringing this question up again, just to give some people a chance to talk.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 4. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Any further amendments?

Mr. CAMPBELL. I have an amendment to offer to be known as Sec. 6. "In case a judge of the supreme court shall be in any way interested in a case brought before such court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of such cause."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. Sec. 7. Any amendments?

Mr. GRANT. I move to strike out the word "thirty" and put in "forty."

Mr. CAMPBELL. I move to amend and make it "thirty-five."

Mr. PALMER. I am greatly opposed to this proposition to increase the age that a judge must have. It is not right. I think a young man who has been out in this country for fourteen or fifteen years and has practiced law here certainly ought to be able to be a judge, and I don't think it is necssary always or as a rule, that a man should attain the age of thirty-five before he knows enough to be a judge, and I therefore plead on behalf of the young men; don't shut us out. We have some rights that ought to be respected. In this county, in this district, the present appointee, the present incumbent of the bench, are both under thirty-five years of age, and I don't think any man, any attorney, questions their capacity to act in that position. I don't think it is right to say that a man who had been on the bench in Wyoming territory, and who had given general satisfaction, should be disqualified from holding that office in the state simply because he was a young man. I tell you gentlemen of this convention, if you old men go to work and make it necessary that a man shall be old before he can be a judge, that the young men of the territory will not submit to it.

Mr. POTTER. I don't want to be a supreme judge for $2,500 a year, and therefore I can talk very well upon this proposition. I agree with Mr. Palmer that the age of thirty is sufficient. If a man is thirty years old, and has practiced law for nine years, if he is not able to be a judge then I don't think he will be fit to be a judge when he is forty. I think thirty is sufficient.

Mr. PRESTON. I am not going to give away my age in discussing this question, but I do know that the age as specified in this section is sufficient without any amendment. Look about this territory, and you cannot but realize that a man don't have to have a gray head to be versed in the law or to sit upon the bench. You take the profession in this territory, and I dare say we have as good a bar as any territory in the country, and if you look around among those gentlemen you will find very few gray heads. Now, as Mr. Palmer has said, the chief justice of this territory is a young man, not thirty-five years of age, Mr. Van Devanter is a young man, and perhaps the very men you will want to elect as supreme judges will be disqualified if you change this section. I will not cast my vote in support of any part of this file if it is to be done for the purpose of creating offices that are to be filled by men who are broken down in age, men whose memory is not clear, or men who have entirely gone out of practice. I tell you gentlemen of the convention, that a young man of thirty years of age is as capable of delivering opinions from the bench as a man who is sixty or seventy-five years of age. I make this statement on behalf of the young men of this territory, and I tell you there are several young men in this territory who have not reached the age of thirty-five that you could not get for any twenty-five hundred dollars. One case is worth more than the salary of the judge when you deduct what it costs to be elected. Now, gentlemen of the convention, I hope in voting upon this question you will take into consideration one fact, and that is this, if you intend to be prosperous in this territory you must depend upon the young blood of the territory; if you are going to shut them out, if just because they are young, they shant be allowed to do this, or to do that, then you won't have any prosperity, and so I am opposed to any amendment that provides that a man shall have a gray head in order to be a supreme judge.

Mr. CHAIRMAN. The question is on the motion to strike out thirty and insert forty. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question is now on the motion to insert thirty-five instead of thirty.

Mr. CONAWAY. I just want to state to the convention some of the considerations that influenced the judiciary committee in fixing these figures, that a man should have been in actual practice nine years, and thirty years of age, in order to serve on the bench. We thought that it was necessary that an attorney should have put in ten years practice at least before he would be qualified as a judge of the supreme court, but we were influenced by the same considerations which the gentleman from Fremont has so eloquently urged upon this convention, and we wanted to make it as favorable to the young men as we could, and we supposed the case of a young man who had got his education, and admitted to the bar and gone into practice, as early as possible, at the age of twenty-one years, then if he continued in practice until he was thirty, that would be nine years, so we reduced the time of practice from ten to nine years, so as to make a man eligible when he was thirty years of age, and in doing that we thought we were doing the best thing we could for the young men.

Mr. PRESTON. I think it would be very injurious to the people of Wyoming to make it thirty-five years, for the reason that there are not three Democratic lawyers who are thirty-five years of age in the state, and they will be needed for the supreme court soon.

Mr. CHAIRMAN. The question is on the motion to strike out thirty and insert thirty-five. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Reading of Sec. 8. Any amendments? Sec. 9. Sec. 10. Sec. 11. Sec. 12.

Mr. BROWN. In Sec. 12, line two. I move to strike out the words "or appointed." I don't believe in allowing the judges to appoint their own clerks. In the city of Chicago there is a condition of things found in no other place, and the courts of the state have been disgraced by the condition of things between the clerks and the judges, and the situation down there is this, that suits are pending between one of the judges and his clerk as to some portion of the commissions the judge was to have out of the clerks.

Mr. CONAWAY. They are not to be appointed by the judge nor any one else, except in case of a vacancy, and it would have to be filled before an election. I do not think there is any danger in the legislature passing a law providing for their appointment except to fill a vacancy, but in order to make that point plain I will make an amendment to the amendment to insert after the word "or" the words "in case of a vacancy may be appointed."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the section is so amended.

Mr. HOPKINS. I would like to ask if it is necessary to have this "as may be prescribed by law" twice in that short section?

Mr. POTTER. I thing it is a repetition there, and that the two could be put together.

Mr. CAMPBELL. That was put in there so as to avoid confusion.

Mr. HOYT. I move to amend so that it would read "appointed in such manner and with such duties and compensation as may be prescribed by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. It is so amended. Sec. 14.

Mr. POTTER. I move to strike out the last sentence, and insert after the word "duties" the words "and receive such fees."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. CLARK. I would amend by striking out the word "fees" and inserting the word "compensation."

Mr. POTTER. I accept the amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Laramie, Mr. Potter. All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended.

Mr. PRESTON. I move to strike out the words "who shall be persons learned in the law."

Mr. CONAWAY. In order to give Mr. Preston an opportunity to discuss that I will second it.

Mr. PRESTON. My reason for making this amendment, perhaps would not apply to every county in the territory. I understand that the object of presenting Sec. 14 is for the purpose of having some one in each and every county who in the absence of the judge might perform such duties as were required of him as prescribed by the legislature. In other words to perform such acts that the judge in chambers would perform if present. Now, in a county like Fremont, located as we are 133 miles from the railroad, and a long ways from Evanston, if we want an undertaking, or a writ of habeas corpus, it would be utterly impossible to get it without an officer of this kind. Now it says that this officer, this court commissioner, must be a person learned in the law. I doubt very much if the duties that would be required of him to perform in a county like Fremont, in a county like Sheridan, like Crook, or a county like Converse, would justify a practicing attorney in any of those counties in accepting a position of this kind, and the result would be if no attorney would accept it, we would be entirely without a commissioner. The court ought to have the privilege of appointing some one else commissioner, whether or not an attorney would accept it, and for that reason I make this amendment.

Mr. POTTER. I hope this will not prevail. I have had some experience with this commissioner business. It would not deprive an attorney of his practice at all, he could not act in his own case, but that is all. We want a man who knows his business, and I think it ought to be a man who is learned in the law, just as it says here.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Sec. 15, which is 14 of the printed file. Any amendments? Sec. 16. Any amendments? Sec. 17. Any amendments?

Mr. BAXTER. As I understand it this is the section numbered 16. I move to strike out in line number five the words "twenty-five hundred" and insert "three thousand." My object in making this amendment is to place this matter in such shape that we can at least command reasonably good talent in the profession. We must remember that we are not making this constitution for a few days, and that we are not making it to apply solely to the idea of our present condition, for we don't expect to remain in our present condition very long. We look for a considerable industrial growth and development in the next few years, and it does seem to me that a salary of three thousand dollars for such men as we wish to intrust in the discharge of the judicial duties here is a very small sum, and it should not be any less than that. Mr. Potter says he does not care to take the place at the salary mentioned here, so if we wanted Mr. Potter in that capacity we could not have him, and we might have to get some other man that the people would not want. I think he should command such a sum at least as would give him a decent living.

Mr. CONAWAY. I wish just to say one word in regard to this matter. It has occurred to me in considering the matter that it would be very proper in the case of all our state officials to fix the fees for the present in this constitution at exactly the same sum that the government has fixed them for us. Not any less at any rate than the government at Washington thought we were worth. It seems to me it would be very impolitic to put anything in this constitution that would indicate to the people at Washington that they were mistakin in their opinion of us, that we are not a people of so much importance or with as many interests at stake or of as much consequence or as much wealth, or that we have not all the characteristics of a great and growing community, as they firmly thought we had. It has occured to me that the most proper thing we could do would be to fix all the salaries as they have fixed them for us.

Mr. POTTER. I desire to explain to the non-professional members of this convention that there is more to be considered than the mere salary of a judge. A lawyer in active practice builds up his practice as any other man builds up his business, and he has to leave that when he takes a position on the bench. He knows when he comes back that he has got to start an entirely new business, and this must be considered. A man takes this into consideration, and not merely the amount of the salary he gets, that on leaving the bench he must start all over again.

Mr. HOYT. I would call attention to the fact that the salary of the governor has been fixed at twenty-five hundred dollars. This is too small, and three thousand is too small for a judge, but I should not be in favor of increasing one without increasing the other.

Mr. CAMPBELL. I would call your attention to the fact that the governor can engage in some other business, while a judge of the supreme court cannot.

Mr. HOLDEN. I desire to call your attention to the fact that this does not fix the compensation at all. It simply provides that it shall not be less than twenty-five hundred dollars per year, and leaves the matter entirely with the legislature, and I think that is a very good place to leave it. I think the section is all right. Now it has been suggested here that there is nothing for a supreme court to do. That may be possible. Suppose the legislature should fix their salary at twenty five hundred dollars for the present, and I apprehend there would be no lack of applicants for the places; our governor gets only $50 per year, and so far as I know the office never went begging yet. And the same may be said with reference to our supreme court. I never heard of one of them going begging yet, and I think we ought to leave this matter just as it is, and if the legislature should fix their salaries at twenty-five hundred dollars there would be some men who would want it, although some of the illustrious gentlemen on the other side have signified that they would not have it at that price. I think this is all right, leave it to the legislature, and if we need to increase it in the course of time, the legislature will do so.

Mr. BARROW. I desire to call the attention of the convention to the fact that if you give a lawyer an inch he will take an ell. They brought in this report and were contented with twenty-five hundred dollars for the salary of a supreme judge and finding now that the convention is disposed to grant the supreme court without any question, they want to raise the salary. I certainly object.

Mr. BAXTER. I look at this question from a non-professional standpoint, and I am not looking at it in the interest of my legal brethren, but in the interest of the people. I believe no matter how low you might fix the salary there would be a sufficient number of men willing to take it, but that is not the class of men we want to fill it. We want a class of men who are competent to discharge the duties satisfactorily to the people, and you cannot expect a lawyer whose professional attainments are such that they make four or five thousand a year in their practice, to give it up for twenty-five hundred dollars a year, and there is no argument in the statement that they will have nothing to do. If they should go on here holding their terms of court annually, and not a single case was heard, it does not effect the question at all. When a man is elected to the bench he cannot do anything else. He is debarred from having a general practice, and it seems to me that we want to pay him enough to live on. It is not a question of service at all, and I think we should fix it so that the legislature shall not make it less than three thousand dollars, so we can reasonably expect gentlemen of fair ability to fill these offices.

Mr. CHAIRMAN. All in favor of the motion to strike out twenty-five hundred and insert three thousand in the fifth line will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise—16. Those opposed will rise—18. The motion is lost. Any further amendments?

Mr. COFFEEN. I move to strike out in the fourth and fifth lines the words "shall not be less than."

Mr. SUTHERLAND. Second the motion.

Mr. COFFEEN. I want to call your attention to one bearing of this case. I am not particular about carrying this, but I want to call your attention to a few things. In the first place you have provided for a supreme court, when I believe the sentiment of the country is against you, and you must appeal to them for ratification. In the next place you have attempted here to raise the salary, and whether it is raised or not it appears to me a dangerous question to be left upon in the way you have it here in the wording. Now the people in the country when they examine this constitution will readily see that with no salary fixed it may be that it will cost us five thousand dollars for every judge, if it goes to the people the way it stands now. I am not myself in favor of limiting it precisely to twenty-five hundred dollars. I would rather it be fixed at not more than or not less. I will make a motion that it shall not be more than thirty-five hundred, or less than twenty-five hundred.

Mr. HOPKINS. I have never been accused of being a lawyer, but I suppose I belong to the layman class of this convention. Now it seems to me that in order to obtain the benefits that shall accrue from statehood that it is absolutely necessary that we should have as near a perfect supreme court as possible. Now I would object to fixing the salaries of the judges of the supreme court at twenty-five hundred dollars a year on the same principle that I would object to buying a cheap John or snide suit of clothes.

Mr. GRANT. I move to amend Mr. Coffeen's amendment by inserting "it shall not be more than five thousand."

Mr. TESCHEMACHER. We had a very able address before this convention the other evening by Senator Stewart of Nevada, and after his address I became convinced that very soon we were to have a population of millions in this territory or state. Now if we are going to be a state like New York, we will want supreme judges like they have in New York, and should be willing to pay them ten thousand dollars or whatever they are paid there, and I say we shall soon become wealthy and can afford to pay our judges high salaries, and I am therefore opposed to limiting this to twenty-five hundred dollars, for if you do it won't be long before we shall need to call another constitutional convention to submit new amendments to this constitution, and that will take more money than it will take to pay the judges for their services. I shall oppose this amendment to increase to five thousand because I believe it will jeopardize and defeat your constitution, and I shall vote for thirty-five hundred because I believe it a good limit, and will answer our demands for fifteen or twenty years to come.

Mr. MORGAN. I am afraid if we put in a limit here it may be too small. Leave it at twenty-five hundred and I think it will be all right. The legislature is very careful about increasing salaries, and I do not believe there is any danger of increasing it to an extravagant amount.

Mr. BAXTER. I disagree with Mr. Morgan as to the propriety of fixing a maximum amount. If that section is left to stand as it is it means that the legislature will fix it at twenty-five hundred dollars, and they won't go a dollar above it, and while I have no idea of influencing a single vote in this convention, I insist that you are making a mistake in fixing any such sum of twenty-five hundred dollars a year. If you are not prepared to pay a sum which will secure the services of men who are competent to fill these places, as against any cheap John man that may come along, we had better not constitute a state government.

Mr. GRANT. I just have to say this in regard to this matter. If I have to go into court, whether the amount is small or not that is involved, I want to know that I am going before men in whom I can have some confidence, and I think you are endangering the interests of the people of this territory by not fixing a maximum, for it means that it is going to be fixed at just twenty-five hundred dollars and no more.

Mr. RUSSELL. I had not intended to speak on this question, as it is not in my line of business, but I would suggest that we strike out twenty-five hundred dollars, and leave it to the wisdom of the legislature entirely to decide what the salary shall be. I don't think it wise to criticize our former legislatures, nor to abuse those whom the people have sent here to make laws, it don't speak well for us as a body that represents the people that we do in this territory. I believe that the men that the people will send here to create and make laws for the state of Wyoming will certainly have sufficient good sense to know what the services of a supreme judge is worth, without our fixing a little weakly salary here. I suggest that twenty-five hundred be stricken out and that it be left entirely to the wisdom of these men whom the people send here to fix these things, as I believe it will give better satisfaction in that way.

Mr. PRESTON. It may come with very bad grace from a lawyer to make any remarks upon this question, but I have sat in this chair until I can't sit here any longer and listened to the arguments advanced by the gentlemen in regard to the salary of a supreme judge. We are delegates here to this convention, sent by the various counties throughout the territory, to prepare a constitution to present to the people of the territory to vote upon. It is not a question whether or not we become a state. We have come for the purpose of preparing a constitution that will better us if we are admitted into statehood, better our condition than we now exist as a territory. If a constitution is to be prepared by this convention to meet the hobbies of a few of the delegates to this convention, then I say to the people of Wyoming, don't vote for that constitution, for it don't better your position in life. Men get up here and ask that a man give up his practice and go to the bench at a salary of twenty-five hundred dollars, when you could not get either one of them to accept the position at the same price. You cannot live in Cheyenne where the supreme court will be held on less than one hundred and fifty dollors a month. Let us remain as a territory if we cannot as a state have our rights protected. Are we to have a supreme court in the state of Wyoming that will administer only such justice as we would receive at the hands of a justice of the peace? If we are then vote down the constitution. Yes, sir, a justice of the peace, a man who is not required to possess any qualifications, a man who is not required to study in an office for a certain length of time, a man who is not compelled to pass an examination, a man who is not compelled to spend a great deal of his time in preparing himself for the profession he has chosen, as justices of the peace in the city of Cheyenne receive three thousand dollars, and yet you ask a man who has spent perhaps four or five years in preparing himself for the profession he has chosen to accept a salary of five hundred dollars less than a justice of the peace would get. No, sir, I am not in favor of passing a constitution here that will show upon its face such things as the people generally do not approve of and endorse, neither am I in favor of voting down a proposition simply because some member of this convention says if I can't have my own way about it, my people won't support it. I have come here as a delegate, and I believe every other member of this convention is in duty bound as a matter of honor to support the constitution when it is presented to the people, whether it meets his views or not. I have been in this convention every day since it convened up to the present time, and I don't know a single thing that I have advocated that has been passed. I have lost every proposition, and I say to you, gentlemen, if you adopt a constitution here, whether it be to suit some people's hobbies or not I say to you I will advocate and vote for that constitution, and so will the people of Fremont county, who sent me here to look after their interests. I say to you, gentlemen of the convention, that if I lived in a county where the people who sent me here would not endorse my actions, I would move out of that county and hunt up some other county that would stand by me. I ask you, gentlemen of the convention, if you expect Wyoming to be as it is today for any great length of time? Every indication points to the fact that Wyoming in the next two or three years will be four or five times as large as it is today, and yet you gentlemen would ask to have this fixed at twenty-five hundred dollars. If we grow as we expect to grow, in my judgment, there will be enough business in the supreme court to justify us in paying a salary of ten thousand dollars within the next ten years, and yet these gentlemen try to run a bluff on us by saying that the people won't ratify the constitution unless you make the salary of the supreme judge five hundred dollars less than a justice of the peace gets in Cheyenne.

Mr. SUTHERLAND. As far as running a bluff is concerned, I don't wish to be misunderstood, but I merely wish to say here that in talking with a number of our heaviest tax payers in our section, they have said they were strictly opposed to a supreme court, and I know of one member who has left stating he would never put his foot on this floor, and that he would go home on account of it, and so far as the people endorsing me are concerned, I have been endorsed fully as well as any man on this floor, and a good deal better than some of those that have been sent here, and I wish it to be distinctly understood that I would like to see something left to the legislature, and not attempt to do it all here.

Mr. CHAIRMAN. The question is on the motion to insert the words five thousand. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question is now on the original motion to insert the words not more than thirty-five hundred dollars. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The noes have it; the motion is lost.

Mr. RUSSELL. I now move to strike out this twenty-five hundred entirely, and leave it to the legislature.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended. Sec. 18. Any amendments? Sec. 19.

Mr. CAMPBELL. In order to make Sec. 18 conform to Sec. 20 I move to insert before the word " the" the words "until otherwise provided by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended. Sec. 20. Any amendments? Sec. 21. Sec. 22.

Mr POTTER. I move to strike out the word "county" in the first line. This section was copied from another constitution where they had county courts, and this word should be left out here.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the section is so amended. Sec. 23; Sec. 24; Sec. 25; Sec. 26; Sec. 27.

Mr POTTER. Before we go on to the next section I have an amendment to go in here. It is a proposition which was previously submitted, and referred to the judiciary committee, but not included in their report, and is as follows: "The governor and either branch of the legislature may require the opinion of the supreme court on questions of importance, or on solemn occasions."

Mr. CAMPBELL. The convention has already passed upon that question, and it should not be brought up again.

Mr. ELLIOTT. I would call the attention of the gentleman who introduced this section to the fact that the great argument used for an independent supreme court was that we should have a court that had in no way passed upon the questions to come before it. He here proposes to compel them to pass upon matters of law which may be submitted to them by either the governor or either member of the legislature, upon which they may reasonably be expected to pass an opinion themselves. If the argument is of any force, the same argument would apply to compelling them to give an opinion to the legislature.

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. Sec. 28.

Mr. HOPKINS. I move this section be referred back to the committee to see whether in conflicts with anything already passed.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is referred back to the committee.

Mr. CAMPBELL. I move the committee now rise and report.

Mr. CHAIRMAN. It is moved and seconded that the committee now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise and report.

(Report of committee of the whole.)

Mr. CAMPBELL. I move the report of the committee be adopted.

Mr. PRESIDENT. It is moved that the report of the committee be adopted as read. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report stands adopted.

Mr. BURRITT. I move we now adjourn until 9 o'clock tomorrow morning.

Mr. PRESIDENT. It is moved that we do now adjourn until 9 o'clock tomorrow. All in favor of the motion will say aye; contrary no. The ayes have it; the convention stands adjourned until 9 o'clock tomorrow morning.

EIGHTEENTH DAY.

MORNING SESSION.

Saturday morning, Sept. 21st.

Mr. PRESIDENT. Convention will come to order.

Roll call. Twenty-seven members present.

Reading of the journal.

Reports of standing committees.

Presentation of propositions.

Mr. HOLDEN. I desire to ask the members of this convention to excuse me from further attendance upon this convention after this evening's session, for the reason that my business at home is without a head. I have been here ever since the commencement of this convention, but owing to the lack of mail facilities I have not been able to hear from home once. My business affairs demand my attention.

Mr. CLARK. I doubt the power of the convention to excuse any one for the remainder of the session, but if it is absolutely necessary that the gentleman should go home, he might be excused from day to day.

Mr. PRESIDENT. I doubt the power of the convention to excuse any member for the remainder of the session. They may excuse from day to day. I trust the gentleman from Uinta will stay with us if possible. We need every man we have got here on the floor of the convention, we need their work and their services, and particularly the gentleman from Uinta. I trust he will stay with us if the sacrifice will not be too great to his own personal interests. The question is upon the motion to excuse Mr. Holden from day to day. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The report of the engrossing committee has not yet come in. There was fixed for the special order of the day the substitute for Files No. 35 and 57, on irrigation. A motion to go into committee of the whole on the special order of the day is in order.

Mr. JOHNSTON. I move we now go into committee of the whole.

Mr. PRESIDENT. The question is on going into committee of the whole. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Irvine take the chair?

Mr. CHAIRMAN. We have for our consideration the substitutes for Files 35 and 57, irrigation. The clerk will read the first section. Any objection to Sec. 1. Sec. 2. Sec. 3.

Mr. BAXTER. It is a matter of very great importance that it be declared here what shall constitute appropriation. It seems so plain to us who are familiar with this question of irrigation as to be unnecessary, but a few days since in riding from Denver to this city with some gentlemen who resided in Colorado, they informed me, much to my surprise, that the question had been raised in Colorado, as to what appropriation is, and it had been decided that appropriation meant the actual application of water to the land. Now unless I am much mistaken, the general understanding is that the appropriation of water is the beginning in good faith, and the prosecution without unnecessary delay, of the ditches which are necessary to convey water onto the land, and they have got into great difficulty because of no declaration as to what is the appropriation of water, and this section is the proper place to declare what is appropriation.

Mr. HOYT. In considering this matter the last two or three days the thought suggested itself to me that the word "utilization" should be used instead of the word "appropriation." I merely throw that out as a suggestion to the legal gentlemen present who are competent to consider this matter.

Mr. BAXTER. That brings out the point direct. The question came up in this suit as to what constituted appropriation. A number of gentlemen incorporated for the purpose of irrigating five thousand acres of land. They proposed to do the work as far as possible with their own teams. After they had commenced the ditch a second company was formed composed of wealthy men who were able to prosecute the work and finish it in a much shorter time and take out the water and get it on the land. And although the first company began their work much earlier, it was held that those men were not entitled to the water, but that the second company was. Now it seems to me that is wrong. If a lot of men commence a ditch for the purpose of reclaiming a piece of land, the only condition should be that they should do it without unnecessary delay, and that that is the matter the court should determine, if it should come into court. It was the absence of any declaration as to what should constitute appropriation, and the holding in Colorado was that it was the application of the water and not the beginning in good faith of the construction of the ditch.

Mr. BURRITT. In Sec. 3. I move to insert in the first line after the word "appropriation" the words "for beneficial uses."

Mr. CONAWAY. It seems to me, considering the importance of this matter, and the evident lack of consideration that we have given it, we should not pass these sections over so rapidly. I for myself feel that I am too ignorant to vote upon it intelligently, and I would like to hear it further discussed. Now I have examined the decisions of some of the courts of the arid country, and so far as my investigation goes, they do not exactly coincide with the decisions of the courts of Colorado, as stated by Mr. Baxter. The decisions in California and Nevada are to the effect that an actual appropriation of the water for beneficial uses is unnecessary. It dates back to the commencement of the work, and upon the question whether the work had been prosecuted with due dilligence. That has been the result of the decisions as far as I have investigated. It seems to me this decision in Colorado, which I am entirely ignoranat of, must have involved the point of reasonable dilligence in the prosecution of the work by those irrigators. If they had prosecuted the work with reasonable dilligence I do not see how a court could have reached such a decision.

Mr. BAXTER. I desire to offer an amendment to be added to Sec. 3. "Appropriation shall be construed to be the actual beginning of work necessary for carrying water onto the land to be irrigated, and prosecuted without unnecessary or unreasonable delay."

Mr. BURRITT. I desire to say just a few words covering this proposition, and the question of irrigation in this territory and contrasting it with the system in California and Colorado. In the first place I believe that we have got a bill here which without a single change, unless it be in the last section, is twenty-five years ahead of those two states, which places us twenty-five years ahead of any other section in the arid region. I do not believe it necessary or advisable to load this constitution down with definitions, with legislation or with anything else excepting the general principles which are to control our irrigation laws. In the first section as it comes from the hands of the committee, "the water of all natural streams, springs, lakes, and other collections of still water, are declared to be the property of the state." Now that ends right there. There is not a word in there about appropriation for beneficial uses, not a word in there about prior appropriation, or any other appropriation, and I desire to state right here that the state of Wyoming has nothing on earth to do with this territory on this question. A man gains a vested water right not by virtue of the United States law under which states rights are created, but those rights are different from what is generally understood. When a man builds a ditch and takes out water he has not the right against his country and all the world to the use of that water as long as he pleases. Behind it is another power to be considered. Notwithstanding all the legislation of congress, notwithstanding all the constitutional provisions of Colorado and Wyoming, water remains, so far as the right of the state to control it is concerned, with the state, just the moment that a state comes into the union. The right of eminent domain is inviolably in the state, and the state may, although there may not be a line in this constitution providing for the maintenance of the right of eminent domain, it may, if it sees fit, take the land that is within the state, by condemning it for their use and paying for it, and the very same thing is true of water. And it is upon this theory of eminent domain that this section stands. Now Sec. 3 says that priority of appropriation shall give the better right. It does not say that it shall give the best, nor a right that no one can deprive them of, but simply the better right. No appropriation shall be denied except when demanded by the public interests, worded so as to preserve the idea that we have advanced that this constitutional provision shall contain nothing as to hint even of a surrender of any of its rights of eminent domain. Now the amendment proposed by Mr. Baxter is simply a definition, and if it belongs anywhere it belongs in the statute. Now all the arguments made this morning are simply arguments in favor of certain requirements supplemental to a constitutional provision, for the purpose of carrying out the intent of the constitution. Now if you undertake to put in a definition of the word appropriation you destroy the whole theory upon which this irrigation and water rights bill is based by your committee. It has been assumed in every state where this question has been considered that the only water right of any consequence whatever is the right of appropriation of water for irrigation. In their anxiety to make the arid lands fertile, they have lost sight of all the beneficial uses to which water can be applied, except in California, where they have a provision as to mining rights. But there are other uses, there are other rights to the appropriation of water, for domestic purposes, for the watering of stock, for mining, for manufacturing, all of which, so far as our constitution is concerned, are entitled to equal protection and privileges. Now Mr. Baxter's definition of appropriation when applied to them, as to what shall constitute an appropriation of water, in my opinion, will seem very ridiculous, to the convention and to the gentleman himself. If there is a little stream running over my hundred and sixty acres, just large enough to water my stock and furnish water for my domestic uses and for the uses of my family, by the very fact that I have settled there, and appropriated water for the watering of my stock, and my domestic and family purposes, should by all laws of nature give me the better right, and it would be very wrong for Mr. Baxter to come in above me and take out a ditch above my place and divert the water of that little stream around my place to water a hundred and sixty acres of his land below it, notwithstanding that he might commence his ditch and continue it until he had got the water clear around my place. I have the better right. It is absolutely impossible to put in a definition of appropriation in this constitutional provision that will settle or will apply to the five different purposes for beneficial uses recognizable in this territory, and none of which are pre-eminent to the other in importance. All of these matters are matters for the legislature. All that the constitution needs in my opinion, Mr. Chairman, is the general principle that priority of appropriation for beneficial uses shall give the better right, and that no appropriation shall be denied except when demanded by the public interests. I think with the amendment that I have suggested with the words "for beneficial uses" be inserted that it will cover the whole question.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Burritt. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Sec. 4.

Mr. BAXTER. Before we take up Sec. 4 I desire to offer an amendment to Sec 3, and I do so with the greatest respect for the very large fund of information which Mr. Burritt has given us on this. I have been delighted with his discussion, and I concede his full knowledge of the subject generally, but I still contend that it is necessary in order to avoid future trouble, for this convention to say what the appropriation of water for irrigation shall mean. I have had the idea so clearly in my mind that appropriation meant the actual beginning of the work necessary for the purpose of getting water to irrigate the lands, that it never occurred to me until this question was up by these Colorado gentlemen, that it was necessary to declare what appropriation meant. I thought everybody understood that. Now this board of control you are going to have may render decisions, and those decisions appealed from to the courts, and you are going to have them pass upon this question. Now it occurs to me that we should say what shall be appropriation for the purposes of irrigation. Shall it be the beginning of work necessary to carry water on these lands, provided that such work is carried forward in good faith and without unreasonable delay, or shall it be the actual application of water to the land? I am fully convinced, in view of the state of affairs in Colorado, that this convention should make some such declaration. I offer the following amendment: "The actual appropriation of water for irrigation shall be construed to date from the actual beginning of work necessary to water the land to be irrigated, provided the same is completed without unreasonable delay."

Mr. HOYT. I agree with the gentleman who offers this amendment as to the object sought to be accomplished; think if the object could be reached by a word or two, it would be much better. It occured to me as the amendment was being read that the word utilization would not cover the ground.

Mr. HAY. I am opposed on general principles to the attempt that is so frequently made here in this convention to make this constitution a code of laws, and I am opposed to making it a dictionary of legal terms. I think if after five or ten years we find it necessary to define the word appropriation the legislature can do so. If the constitutional convention do it, and do it wrong, it will be hard to remedy our mistake. We want to establish all these things on broad grounds, particularly a matter as important as irrigation. I think the best ability of this convention has been devoted to making this provision as near perfect as may be, and it seems to me covers the ground completely. We want to keep these details out of it.

Mr. SMITH. It occurs to me upon this proposition that we want to put nothing more in this constitution than will simply guide the legislature. We have advanced just far enough in water interests to realize the importance of this matter, beyond that we might say we know almost nothing. Now suppose we go to work and undertake to lay out a plan in the constitution by which they shall be governed, you may find it in five years wholly impracticable, and you are putting in something that you cannot change very easily. Now something has been said about making this a dictionary, now I think that is something this convention don't feel like doing. If I understand it an appropriation of water is diverting it from the natural stream to which it belongs for beneficial purposes. A Colorado case has been referred to. I think I had the case in mind. It turned on this question. The statute provides as to how the work shall be prosecuted, and that case turned on that point. That case turned on that point, and the work was not prosecuted within the statute. I have understood always that the appropriation of water was its diversion from its proper channel. So far as putting this definition in this constitution. It seems to me we are undertaking to do something that may turn out very disastrously in the future. My idea would be to have one section and then submitting the whole to the legislature. They can act from what they have learned from their experience, but if you tie it up, and set up a system as you do here, you may be doing a very disastrous thing. I think we should declare it to be the property of the state, and then leave the entire matter to the legislature.

Mr. JOHNSTON. I know something about the working of this matter in Colorado, and the reason why this matter was not settled long ago was on account of local jealousies. What is good for one part is not considered good for another part. It is hard to get out of the old ruts. I am opposed to any other proposition than as set forth here. The decision of the California supreme court as stated by Judge Conaway seems to me to decide the matter.

Mr. BAXTER. I am as much opposed as anyone to putting legislation in this constitution. Now, the gentleman from Carbon says this is a new question, and we don't know anything about it. Now, I think if there is any question we do know something about it is the question of the appropriation of water. We don't know whether this proposed system is a wise one, yet we are putting it in the constitution. I believe this to be a wise course, but experience may prove it to be very unwise, and we may have to change it. Now if we do know anything it is what the appropriation of water ought to be, and it is altogether different from what the gentleman from Carbon says it is. He defines it as the diverting of the water from the stream. I don't understand it to be anything of the kind. Appropriation is the actual beginning of the work to divert the water of a stream, begun in good faith, and prosecuted without unnecessary delay. Now, if we understand it that way, why not put it in the constitution? Why leave the doors open for all kinds of trouble like our immediate neighbors have had in Colorado? They did not think it was necessary and left it out, and the question came right up in their own courts, and while I have never read the case, I know the gentlemen whom I heard discussing it could not have been mistaken about it, and the case did not turn upon the prosecution of the work, there was no question but the men who first commenced the ditch prosecuted the work with reasonable dilligence, but it turned upon the construction of the word appropriation. Did it mean the beginning of the work, or the actual application of the water to the land? And the court decided that it meant the actual application of the water to the land. I think that the appropriation should be the beginning of the work to carry it on to the land, and if we all understand it that way, I cannot see any objection to saying so.

Mr. BROWN. I do not like to talk about a matter about which I am not very well informed, and I desire to confess to this convention that I do not think I am very well informed upon this question of irrigation. But there are some questions about which we may all reasonably differ. There are some things, however, about which we do not differ, and that is the construction of language. Now as to this proposed amendment I am not in favor of it, because it seeks to put a limit upon the meaning of the word appropriation. Now a word may have a variety of meanings, and different courts may place a different construction upon each, but when you come to take this you had better leave the whole matter of deciding just what this shall mean to the courts of our country, rather than to try to place an original meaning upon it ourselves. If left to stand as it is the word then becomes, as it were, elastic, and the courts in applying the law framed on this question will give this word such a meaning as will inure to the best interests of the people. I am therefore in favor of leaving it just as it is, but I am most decidedly opposed to this section as it stands, and I am opposed to it for this reason. When you say prior appropriation shall give the better right, or if you say prior appropriation for beneficial uses shall give the better right, what do you mean? Let us understand this before we act on it. When a contest comes before the courts between individuals as to the right to the use of water, upon what proposition is the whole question determined? If you say in your constitution that prior appropriation shall give the better right, then the whole question is determined by prior appropriation. And no other matter under the sun is to be considered in that connection. It makes it final and determines the whole matter. Now if you say that prior appropriation for beneficial uses is to determine the better right, then you say that the man who first takes possession of the water and applies it to beneficial uses has the higher and better right, and not only a higher and better right, but has absolute title, and determines every question that may arise between the parties claiming it. I don't believe in that theory at all. We propose here to appoint a board of control, and for what purpose? We say that the state shall be the owner of this water, and shall have the right to control it. Are we to say in addition to that that any man who goes upon the public domain and takes up some portion of the water, shall forever hold that water to the exclusion of everybody else, because it is a prior appropriation for beneficial uses. I don't believe in the principle at all. When we appoint a board of control to manage this water system, that we say belongs to the state, let us give them authority to control it for the highest and best uses of the people of the state, and don't fix that control by saying that appropriation shall settle the matter. Leave it to the board of control to say what equities enter into this matter of the use of water, and let them consider every question that arises in connection with its appropriation, and then say under all the equities of the case who shall be entitled to the use of that water, and not say that the matter of prior appropriation shall settle it. Now prior appropriation is an important matter to be considered, and I take it that the board of control would consider that matter, but in considering the matter and in determining the rights to the water, they may consider other matters as well as the matter of prior appropriation, and upon this and all the equities in the case determine who shall have the better right, but don't let any one thing determine it, the matter of appropriation alone.

Mr. HAY. I don't think the gentleman is confining himself to the subject before the house.

Mr. BROWN. That may be, but the other gentlemen have discussed the whole question, and I claim a similar right. Now the question presented by the amendment of Mr. Baxter of Laramie, raises this whole matter of appropriation, and while upon this question I wish to say further that the next part of this section, "no appropriation shall be denied except when demanded by the public interests."

Mr. CHAIRMAN. The question is the amendment to Sec. 3. The gentleman is not speaking to the question.

Mr. BROWN. I appeal from the decision of the chair.

Mr. CHAIRMAN. The chair has ruled that the gentleman was not speaking to the question, the amendment offered by Mr. Baxter of Laramie. Judge Brown appeals from the decision of the chair. Shall the decision of the chair be sustained? All in favor of the decision of the chair being sustained will please answer by saying aye; contrary no. The noes have it; the motion is lost. The gentleman will proceed.

Mr. BROWN. I have no desire to.

Mr. COFFEEN. As I understand it the vote will be on the motion to strike out. I shall vote in favor of striking out the whole section on the arguments presented by Judge Brown.

Mr. CHAIRMAN. The gentleman is mistaken, the question is on the amendment offered by the gentleman from Laramie, Mr. Baxter, as read by the clerk. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

Mr. HAY. I want to ask with reference to the meaning of the last clause of Sec. 3. It says "no apropriation shall be denied except when demanded by the public interests." Is it the appropriation or the denial is demanded?

Mr. BURRITT. I will explain to Mr. Hay. The present system, as the gentleman well knows, is for a man to rush out to the creek, as has been done in the gentleman's own county, and without consulting anybody, finding out anything about whether there is any water there or not, he rushes in and begins a ditch, and rushes into court and begins a law suit. Now this system proposes to revise the order of things, and instead of rushing all over the country, and beginning a ditch and taking the chances about getting any water, we propose to have them get permission to construct ditches from the board of control. In other words all the information necessary to enable a man to do the wise thing in this matter will be with the board of control. This provision is to revise this system from what we have it now, and instead of allowing ditches to be taken out without any system at all, to have a man find out from the board of control just what he can do.

Mr. HAY. The gentleman has lost sight of my question, the only thing I want to get at is what is demanded by the public interests, the denial or the appropriation?

Mr. BURRITT. The denial is demanded.

Mr. HAY. I want to offer an amendment to make this matter clear, after the word "except" insert "when such denial is."

Mr. COFFEEN. Even after that amendment is made there is still an ambiguity in another part of the section of much greater importance. I think the language is so broad that it may cause much difficulty and lead to much confusion. My objection is to the two words "no appropriation." It seems to me that is much too broad. I have no objection to the idea that no legal, proper and reasonable appropriation shall be denied by the board of control, except when demanded by the public interests, but to say no appropriation shall be denied puts it so that it may be taken advantage of and many demands made that are neither reasonable nor just. It seems to me if that language cannot be remedied it is better to strike out the entire sentence. I have been considering the matter, but cannot find any proper apt words which will express the idea. I therefore make the motion to strike out the last sentence of Sec. 3.

Mr. CHAIRMAN. The question is on the amendment to the amendment offered by Mr. Coffeen. Are you ready for the question? All in favor of the motion to strike out the last sentence in Sec. 3 will say aye; contrary no. The noes have it; the motion is lost. The question is now on the original amendment offered by Mr. Hay. All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended.

Mr. JEFFREY. I have no amendment to offer, but merely wish to obtain a little information. As I take it the file as presented by the committee seems to indicate that the appropriation and distribution of water would be entirely for one purpose, namely for irrigation. Now there are other interests that will probably require the use of water, and I merely wish to ask those more learned in the law than I am, if these other interests and purposes for which water will be used are properly protected in this provision? For instance, manufacturing, milling and mining purposes. This priority would seem to indicate that it is merely between persons wishing to use water for the same purpose. Now as to who shall have the priority as between these interests, which shall have the preference, agriculture, mining, manufacturing or domestic purposes. That is what I wish to get at; whether this is sufficient to cover it?

Mr. JOHNSTON. The amendment inserting "for beneficial uses" covers it all, whether it be for domestic purposes, for watering cattle, irrigation or anything else.

Mr. CHAIRMAN. If there are no further amendments to Sec. 3 we will proceed to Sec. 4.

Mr. CONAWAY. I move to strike out the figure "four" in the first line of this section. I think it is sufficiently apparent to us all that it is not proper to say just what number of districts the state shall be divided into. We should leave that matter entirely to the legislature, and they may change the number as they may see fit.

Mr. BURRITT. I desire to call the attention of the convention to the drainage map of Wyoming which has been prepared by the state engineer. It is not like the maps of Wyoming that have been prepared from carelessly prepared maps of the United States survey. This map is absolutely correct as to the drainage basins and the streams. Now the present objection to our present territorial law is the fact that the water districts are so divided that one portion of a stream is in one district and the rest in another, and there is actually one case on record where the prior right to the waters of one creek in one water district is decreed in one man, and right across the line, another ditch taken out by another man is decreed to have the first right. Here are the four natural water basins, and no water commissioner can determine in reference to the desirability of allowing a ditch to be constructed without knowing how much is appropriated and what the condition of things is in the streams. The drainage basins have been marked out by the engineer, and you can see just where they are. In the northeastern part of the territory there is the Powder river, the Belle Fourche, and the Little Powder, all running north into the Little Missouri, here we have one water shed. Here in the west is the Sweetwater, Green river and Snake river, in one water shed. Not a single stream but finds its way into the Sweetwater or Green river, they are all in one water shed. Here in the south is the Platte. The Big Horn and the Stinkingwater forms another. They are all just as separate as if separated by a stone wall twenty feet high beneath the surface of the soil. Now it is highly desirable to fix this in such a way that one water district may not be put into two different basins. We have for instance here the Big Horn river lying between two districts and extending into a third. We want each drainage basin in one district.

Mr. CLARK. I have no doubt that the state engineer has carefully prepared that map, but for one I am not willing to take the field notes of the United States survey as to what these drainage districts are. It is a notorious fact that in many parts of Wyoming the field notes of the United States survey are as absolutely false as any official document could possible be. In our county, or in Sweetwater county rather, quite a large tract of land has been withdrawn from public sale under the land laws of the United States, owing to the fact that the surveys are so incorrectly made as to constitute no survey whatever. The sections are of all shapes and of all sizes, and the surveyor could not have even looked over the ground in making their survey and field notes. It seems to me we shall be perfectly safe in providing it shall be divided into districts without fixing the number of districts, and of what they shall consist.

Mr. BURRITT. I want to say in answer to Mr. Clark that another object to be gained in dividing the territory is to limit the state board of control. I do not wish to put it into the power of the legislature to make a water district for each creek and thereby multiply the number of officials. These water commissioners by this bill are made with the state engineer, the state board of control, and by limiting it to four districts makes a state board of control of five, which in my opinion is as large as it should ever be. This map has been very carefully corrected and verified by Prof. Mead, and I believe is absolutely correct.

Mr. HOYT. I am sure that this section presented by the committee has been carefully prepared and wisely drawn. It makes little difference if the survey makes a wrong section line or not, everybody knows there are certain great divides in this territory, as stated by Mr. Burritt and I think this should stand just as it is.

Mr. HARVEY. While I believe this is a piece of legislation I believe it is good legislation, and I shall therefore favor it.

Mr. CHAIRMAN. The question is on striking out the word four. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. Sec. 5.

Sec. 6.

Mr. FOX. I propose to amend. After the word "waterways" insert the "sale or rental of water."

Mr. JOHNSTON. I object to that amendment on this ground. In Colorado one of the largest ditches taken out of Clear creek and which appropriates the most water, has been constructed and owned by the farmers themselves. They don't sell any water to anybody except those who are stockholders in the concern. It appropriates most of the water in that creek. They carry it by ranches that are not stockholders in that ditch, and they can get nothing out of it. I know of farmers that have been compelled to sell their land. If you put in this clause as suggested it covers nothing at all.

Mr. BURRITT. I desire to say that although this report is signed by the chairman, and although I consented to this last section, I did it without a full understanding of it, and with the belief that I would hear from certain gentlemen on this floor, a good and sufficient reason for the insertion of such a clause as this in a fundamental law of the territory. I more particularly refer to the gentleman from Laramie, Mr. Fox, who seemed to have a great anxiety about this. I believe the whole matter is covered by the preceding sections of this bill. I believe the bill as presented by the committee needed no amendment in any material respect, and would give us the most perfect water system that has been tried in this country. It is the system that has been adopted by all the irrigation countries in the world except the United States, If I cannot hear some good reason why this section should be retained I shall vote to strike it out.

Mr. FOX. Since I have heard so much discussion in regard to this matter I have come to the conclusion that the best thing this convention can do is to strike out the whole business and insert a chapter stating that the legislature shall make such laws as are necessary to govern the water rights of the state. That will cover it and leave it where it properly belongs. My object in introducing this proposed amendment was to cover certain cases, and which is the argument I propose to present. If we are going to pass laws to regulate this water rights question, something of this kind should be inserted. and is what we need. My object in offering this section and wanting it in the constitution was to protect settlers who want to settle upon the public lands, but where they cannot get water. I will cite the Laramie plains, where there is excellent land ten or fifteen miles from the river, and if a person takes up a government section he is not able to get water for the land. He cannot get water unless he buys the railroad section. I want some provision so the Laramie plains can be settled, and they won't be settled in the next twenty-five years to come unless some provision is made whereby a poor man can get water, and I want some provision whereby these parties who have constructed this ditch and taken out all the water shall be compelled to supply these settlers with it, and that they shall sell it to them at the same rate they would to a man who owns a railroad section. I think where a ditch is constructed like a railroad, for the purpose of carrying water, it should be a public carrier, and should be regulated under the corporation laws. This was my idea of it.

Mr. BROWN. I don't understand Mr. Fox exactly. It seems to me if I understand his amendment, it will prevent the very thing he wants to accomplish, he says these ditches shall be declared common carriers. The case referred to by him on the Laramie plains for instance. There is a company that owns a large tract of land, alternate sections, they have constructed a water way for the purpose of conducting water upon their own land. As I understand it they do not propose to sell it to anybody. They are not conveying water to sell. But they simply say to the people if you buy our land we will allow you so much water to go with the right to the land, as a part of their vested right to the land itself. They are not public vendors of water in any way, selling it to the public that may demand it. They sell it as an interest attached to the land itself. That is they sell the land and deliver so much water with the land. If that is the situation it will defeat his object it seems to me.

Mr. FOX. I guess that is the situation. I think the amendment contained in this report would cover it better than any amendment.

Mr. COFFEEN. This is my position on this whole irrigation question. I shall favor striking out everything except the first section, declaring the right of the state to the waters of the state. This is a first and fundamental principle which I believe properly belongs to a constitutional convention to declare, but I am opposed to all the rest of this proposition excepting that the state shall be divided into four grand water divisions. That is all I am in favor of.

Mr. BAXTER. I move to strike out Sec. 6.

Mr. POTTER. I have not been heard on this subject of irrigation, but if this motion is made I would like to amend it. My only reason for desiring to strike out Sec. 6 is because of the failure of the amendment to accomplish, if I understand it, the object desired by the amendment. It seems to me when you declare all of the ditches of the state public carriers, that you subject them to the enforced selling of water. I may have three or four hundred acres of land, and only water necessary to irrigate that land, now some man may settle along my ditch and I would be compelled to give him half my water. It should not be entertained for a moment. If you will allow the section to stand and amend it so it will read "operated for the purpose of selling or supplying water, shall be deemed public carriers" I think it will be all right, but as the section now stands it ought to be stricken out.

Mr. SMITH. I want to ask what the amendment is before the house.

Mr. CHAIRMAN. The question before the house is the amendment of Mr. Baxter of Laramie to strike out Sec. 6.

Mr. SMITH. I move to amend the amendment of Mr. Baxter so as to strike out Secs. 1, 2, 3, 4, 5 and 6, and insert a new section in lieu thereof, as follows: "Sec. 1. The waters of all streams, springs, lakes and other collections of still water within this state is hereby declared the property of the state, subject, however, to appropriation for beneficial uses, under such rules and regulations as may be provided by law."

Mr. JOHNSTON. I hope this motion will not prevail. This report has not been prepared carelessly. It has been prepared after consulting the best authorities in the country with regard to this matter. It has been submitted to them and considered by them to be the best constitutional clause that there is in existence in regard to this matter. Now if we are not prepared to take the advice of those who have given this a great deal of study. I thing we are making a great mistake. It has been found necessary in all states where irrigation is known, to have some head to this, and Colorado has adopted this system of superintendents which we have proposed here. They found it absolutely necessary that something of that kind should be done. Now why not provide it here and settle it beyond a doubt and not leave it to the mercies of the legislature. It is conceded that it is absolutely necessary that we have something of the kind, and I sincerely trust this motion will not prevail.

Mr. HOLDEN. As a member of your committee on irrigation and water rights, I would like to state some of the reasons that lead this committee to present this report. In the first place we believed that the doctrine contained in Sec. 1 was sound. That it was not only founded on good sense but on justice. Again, the legislatures of this territory have attempted to deal with this question, and from time to time demonstrated their ignorance of the whole matter, legislating in one direction at one session, and undoing all their work the next. Now in order that the work of irrigation and reclamation shall move forward, it is necessary that we should have some fixed laws by which we act. We thought it wise to take this matter away from the legislature and adopt a rule that shall have some wisdom in its method, and then abide by that rule until such time as it is apparent to the whole state that these things are actually founded on injustice. Consequently we considered, in view of the fact that this territory was naturally divided into four grand water divisions or water sheds, that it would be best to place the control of this water in the hands of the state engineer and four assistants, who shall control this entire matter. This was the conclusion arrived at by this committee after a good deal of laborious work, and as my friend from Converse, Mr. Harvey, has said, that notwithstanding this may be legislation, it is good legislation, and we therefore ask reasonable consideration of this matter. We believe we have given more attention, more hours of labor to this matter, than perhaps any other members of this convention. It has occupied our attention since the beginning of this convention, and I believe we have reached about as excellent a result as could be reached. For this reason I am opposed to the motion.

Mr. CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Carbon, Mr. Smith. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the amendment is lost. The question is now on the amendment as offered by the gentleman from Laramie, Mr. Baxter, I believe, that Sec. 6 be stricken out. All in favor of the motion will say aye; contrary no. The motion prevails.

Mr. RINER. I move that when this committee arise they report back this file with the recommendation that it be adopted as a part of the constitution, as amended.

Mr. BROWN. I am opposed to the motion. I am opposed to it on the ground of Sec. 3 as it now stands. It is in the way of a proper application of the waters of the state. Sec. 3, as it stands, priority of appropriation gives the better right. I am opposed to any such doctrine. I believe it is pernicious and an outrage upon the people. Would you say that because a man goes out first and appropriates a portion of the water, that that not only gives him the better right, but that the matter of appropriation shall be conclusive? You are establishing a precedent that you cannot get away from, and one that will control the distribution of waters in this state as long as this constitution shall be in existence. I don't believe in it. I believe that priority of appropriation should be considered as between parties, but that it should be considered with all the other equities in the case.

Mr. JOHNSTON. I know this was Maj. Powell's idea about this matter.

Mr. COFFEEN. I had several conversations with Maj. Powell in regard to this matter, and had no such idea or information advanced, and I do not think that it is a good thing to consider as an argument in this. I believe, as the gentleman has stated, that before we leave this we should consider this a moment. I think in leaving this stand as we were about to leave it stand, we were cutting off all other considerations of equity, and they should be considered in the adoption of this. I am therefore opposed to rising and reporting at this time.

Mr. CHAIRMAN. The question is on the motion that when this committee rise and report, it report back this file with the recommendation that it be adopted as amended. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move this committee now rise and report.

Mr. CHAIRMAN. The question is on the motion that the committee now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise.

Mr. RINER. I move the report of the committee be adopted.

Mr. COFFEEN. Does that correspond to recommending it for final reading?

Mr. PRESIDENT. It only adopts the report of the committee.

Mr. COFFEEN. To test the matter I move that the report of the committee be adopted with the exception of Sec. 3, which shall be referred back to the irrigation committee.

Mr. BURRITT. I rise to a point of order. The only question that can be properly considered is the motion to adopt or reject the report. If the convention wishes to reject the report in order to rectify it, it can do so, but it cannot be done by way of any amendment.

Mr. PRESIDENT. The chair is of the opinion that where a report of a committtee is made and the question arises on its adoption, it is not parliamentary to move an amendment to the motion to adopt. We may reject or we may adopt, or on a motion of the convention that the matter of the report is devisable it may be reported, and the sense of the convention adopted on the several portions recommended. This report contains but a single recommendation. The motion is that we adopt the report of the committee. The committee reports this matter back with the amendment with the recommendation that it be incorporated in the constitution. As the matter stands it is not a proper motion to amend the motion to adopt.

The question is on the motion that the report of the committee be adopted. All in favor of the motion will say aye; contrary no. The ayes have it; the motion is adopted.

Mr. RINER. I move the committee take a recess until 2 o'clock.

Mr. PRESIDENT. The question is on the motion to take a recess until 2 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will take a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

Saturday afternoon, Sept. 21, 1889.

Mr. PRESIDENT. The convention will come to order.

Mr. PRESTON. I ask the unanimous consent of the convention at this time to be allowed to submit a report by Committee No. 2, referred to them for their consideration. I would state that Mr. Holden did not sign the report.

Mr. PRESIDENT. Is there objection to report of Committee No. 2 being received at this time? The chair hears none and the report of the committee may be presented.

(Report of Committee No. 2.)

Mr. PRESIDENT. Gentlemen, you have heard the report of Committee No. 2, what is your further pleasure?

Mr. NICKERSON. Committee No. 9 would like to make a report.

Mr. PRESIDENT. What is your pleasure, gentlemen, as to Committee No. 9 being received at this time? The chair hears none. The report of Committee No. 9 will be read.

(Report of Committee No. 9.)

Mr. PRESIDENT. What is your pleasure, gentlemen, as to the matter reported by Committee No. 9?

Mr. RUSSELL. I move that the report be referred to the committee on printing and ordered printed.

Mr. JONES. Second the motion.

All in favor of the motion to print will say aye; contrary no. The ayes have it; the motion to print prevails.

Gentlemen, Files No. 25 and 57 reported back by the committee of the whole, unless otherwise ordered by the convention will be referred to the committee on engrossment, with the amendments that were adopted. Substitute for Files 9 and 36 have been reported by the committee on engrossment as correctly engrossed. They are now on the general file for final action. If there is no objection they can now be taken up and the matters on the general file for final action now disposed of.

Mr. RINER. I move that the files now ready for final action be now finally read.

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. It is moved that the files reported as correctly engrossed be now finally read and put upon their final passage. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HAY. Has Rule 4 been suspended? I move it be suspended for the afternoon.

Mr. PRESIDENT. If there is no objection Rule 4 will be suspended for the afternoon by unanimous consent. The secretary will read the substitute for Files 9 and 36.

(Final reading of the file.)

The question is on the passage of the file as read. So many as favor the adoption of the file as a part of the constitution will say aye as their names are called; those opposed will say no. The secretary will call the roll.

Mr. PRESTON. Maj. Baldwin has been called home on important business and has requested that he be excused by the convention. He could not avoid going.

(Roll call.)

Mr. PRESIDENT. Gentlemen, the vote is as follows: Ayes, 35; nayes, none; absent, 14. By your vote, gentlemen, you have adopted substitute for Files 9 and 36 as a part of the constitution. The next file is substitute for Files 51 and 56. As tive department. Final reading of the file. The question is on the final passage of the substitute for Files 51 and 56. As many as are of the opinion that the substitute do pass as a part of the constitution will say aye; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, the vote on the substitute is as follows: Ayes, 36; absent, 13; noes, none. By your vote you have adopted the substitute for Files 51 and 56 as a part of the constitution. This disposes of the matters on the general file for final passage.

Mr. RINER. I move that the file in relation to the judiciary department, as reported by the committee of the whole be considered the engrossed file, and that it be put upon its final passage this afternoon. I do this for the reason that there are a number of gentlemen here who are interested in that matter, and they have the right certainly to vote upon the question, but they will be necessarily absent next week.

Mr. BARROW. Second the motion.

Mr. TESCHEMACHER. The engrossing clerk is now at work on that bill.

Mr. RINER. I move that the committee on engrossment be requested to return the bill to the house.

Mr. PRESIDENT. It is moved that the substitute for File No. 50 in relation to the judiciary department, be taken as the engrossed copy and finally read and put upon its passage, and that the engrossment committee be requested to return the file to this convention at once. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. When this substitute comes up for final reading I desire to say I will have some amendments to offer.

Mr. TESCHEMACHER. Mr. President, your committee No. 19 beg leave to return File No. 50 as requested.

Mr. PRESIDENT. Gentlemen, the file is now before you for your action. Do you wish to have it read finally, or section by section, or call for sections which you desire to amend?

Mr. POTTER. I desire to offer an amendment to Sec. 4.

Mr. PRESIDENT. Sec. 4 may be read and the gentleman may offer his amendment. I desire, before there is any amendment offered, to state the situation as to this file. When I come to recall the action of the convention the motion was that the file be called up, taken as the engrossed copy and finally read and put upon its passage. I doubt whether under that action of the convention it is open to amendment, but if the convention desires to have it that way, the chair is willing it should be so, but the other motion would seem to cut all amendments off.

Mr. POTTER. The amendment I have to offer is in reference to the supreme court, and I respectfully ask this convention to consider it. If this amendment is carried I have several others to make, and I will state that the amendment I propose to offer will change this entire measure. It relates to the organization of the supreme court, and I wish to state by way of personal explanation, that these amendments are in opposition to my previous record in voting in committee of the whole. It has been said outside of the convention that the legal fraternity had created this measure, that the others had not expressed their opinion fully on the matter, and that there was very great danger if this bill passed as it is at present, the constitution would not be ratified by the people, largely on this account, and I am willing to waive my own inclinations as to the proper organization of this court, because I believe that the most material thing we wish is the ratification of the constitution. The substitute I desire to offer for Sec. 4 is as follows: "The supreme court shall consist of four justices, to be district judges, and their terms shall be six years."

Mr. BURRITT. I would like to ask Mr. Potter if this is the best form for a supreme court?

Mr. POTTER. In answer to Mr. Burritt I would state that I don't believe under all circumstances it is the best form for a supreme court, but as I said before we are going before the people with this constitution. I am informed that the organization of a supreme court, with three separate and distinct judges from those of the district court, is meeting with great opposition in all parts of the territory, and I would rather frrego having a supreme court than not have a state. I would rather forego having a supreme court as we have adopted in committee of the whole, than to have our constitution fail to be ratified, and for that reason I offer the amendment.

Mr. BURRITT. I presume, Mr. President, it is within the remembrance of every gentleman on this floor that the gentleman from Laramie, Mr. Potter, very eloquently the other day besought this convention and every member of it if he be found occupying a position inconsistent, that he did not believe was right, that his attention be called to it. Therefore in all friendliness to the gentleman from Laramie I now call his attention to the fact that he is inconsistent. He says it is not right, and yet for policy sake he desires to make the amendment.

Mr. POTTER. I wish to make an explanation before this is discussed, because I wish to say that this cannot be discussed in my judgment until I explain what my theory is in reference to it. We cannot meet the whole thing at once. I have here further amendments providing that the legislature may provide for a separate supreme court.

Mr. MORGAN. I believe that the best possible supreme court is an independent supreme court. I am willing, however, to change my mind whenever I please when sufficient reasons are presented to me. Now the proposition of the gentleman from Laramie provides that for six years there shall be four judges, who shall constitute the supreme court. Now that is better than the method we have heretofore had. Now I am satisfied to reverse my position upon this matter, because I will get to a certain extent what I want in regard to it. We cannot expect to get everything all at once, and because we take part of what we want is no abandonment of what we really desire as a whole. If I get about one-half of what I want I am pretty well satisfied. Therefore I intend to support Mr. Potter's amendment, and concede to the opposition, who are afraid of this supreme court business, for six years, but all the time retaining the principle upon which I started out that a separate supreme court is the most perfect one.

Mr. CLARK. For several days I have been sitting still in my chair, or as still as I could sit, while this poor little supreme court business had been tossed about from pillar to post in this convention. I had hoped that the matter was finally settled as far as this convention was concerned. I had hoped for the reasons so eloquently presented by Mr. Potter, from Laramie, we should have a separate supreme court. I am unable to see any reason to change my conviction from the very first, that the only way to make a supreme court is to make an independent supreme court. I see no reason why the gentleman at this late date is converted, unless it be his apparently insane desire to make amendments. There is not any reason which he presented on last evening, or on other days when this matter was discussed, not one which he has presented but has equal force at this time. If he was right then, if he was honest, he is right now. I came here to try, to the best of my ability, to serve the people of Wyoming. I cannot serve the people of Wyoming to the best of my ability unless I ask in this constitution such a provision in regard to the courts shall be presented to the people for their adoption as I consider the best. I will not vote for a measure in this convention that I do not think is the best on that proposition. I will support any measure that is adopted by the convention, but I will not give my support in the convention and as a member of the convention to a proposition that I do not consider the best, and I ask any of the gentlemen of this convention, I ask the same questions that are asked by the gentlemen from Johnson, is the proposed amendment, striking out this supreme court, would it be the best thing for the people of the territory of Wyoming? I believe not, and as I started I will finish, I believe that the only supreme court is an independent supreme court.

Mr. HARVEY. I only desire to express my astonishment at this new method of framing a constitution. This matter was brought before this body, we deliberated upon it, and came to a decision. Now we are to rush out upon the street and ascertain what may be the popular idea, and come back and alter our convictions of right and justice. I deny that the people are opposed to a supreme court. I ask authority upon this subject. Who was his informant that the territory does not want an independent supreme court? There has been some opposition to it in this convention, but the opposition in this convention was apparently converted. This has a very peculiar aspect to me. I am astonished at this sudden change. Why was it not brought up before? I can see no reason for changing the course already taken by this body. I am astonished, if nothing else, I must admit.

Mr. BARROW. I would like to give my friend one good reason why the supreme court as made by the suggestion of Mr. Potter is preferable. The only argument advanced so far, to my knowledge, against statehood, is the matter of expense.

I think that every gentleman in this hall will bear me out in saying that there is a strong opposition, at least an opposition worthy of consideration, against statehood in this territory. The question of expense is the only argument they have to stand on. An independent supreme court strengthens that argument, and gives them something to argue on. If we can save six or nine thousand dollars by the method proposed by Mr. Potter, we destoy absolutely the only argument against statehood. I know there is a strong feeling in this matter throughout the territory. I learned something of it before I came here and more since. At least one member of this body has already left for his home, I refer to Maj. Baldwin, muttering threats against the action of this convention in advocating a separate and independent supreme court. He will go back among his people, and if that feeling exists in Fremont county, he will ferret it out and add to it. I don't believe that any man will say that a supreme court consisting of four judges, three to sit on a case, the man who has already passed upon the question to be debarred, is nearly as effective or as fair in the administration of justice as an independent supreme court, but I do believe that we must consider this question of economy if we are going to submit a constitution to the people of this territory acceptable to them, and in view of the protest that has been made, I think the only wise thing for this convention to do is to accept Mr. Potter's amendment.

Mr. HOYT. I believe we are all here for the purpose of getting the best possible result, and I think it should be understood to be the privilege of every member who has expressed an opinion upon any measure brought before this convention, to consider and reconsider and to hold his opinion responsible to none but the people who have sent him here, to the very moment that he is obliged to give his vote upon the final passage of a measure, and I do not think that because the gentleman from Laramie had one opinion yesterday, and has another today, in view of all the circumstances involved, and perhaps all the facts were not before his mind yesterday to the full extent, should be called inconsistent. In my own opinion he would be more inconsistent to vote for it against his judgment. I voted last night in favor of this proposition, not however without misgivings, without some anxiety of mind as to whether we had done the best possible thing, but hoping that before final action was taken there might be an opportunity to correct errors committed, if there should be shown to be any. Am I not correct in this, that we are to be free to act, so long as we act at all, and to call no one inconsistent. I suported this measure because I believe in an independent supreme court, I believe that the measure as it has been adopted by the committee here is a wise and just and reasonable measure. I believe it will promote the interests of justice in its workings out, but I realize as does the gentleman from Laramie today, and as did our friend from Laramie yesterday, I realize that there is another consideration, the judgment of the people as to what is wise and best, and we must pay some deference to their wishes, to what they want to do, and accordingly it has occurred to me to prepare an amendment, which might perhaps be a new section to be added to this file, unless already anticipated by Mr. Potter. It so happens that I did not clearly and distinctly hear his proposition when read. First, my conviction is that the measure is a good one, we shall have a supreme court as soon as we can have it, and second, we can afford to wait for it as a concession to the people who are slaving in these hard times, and who feel more and more the pressure of circumstances, and they will therefore consider very carefully the amount of money involved in this statehood proposition to be laid before them with our constitution. Having traveled about a good deal I know that the question in many localities is a grave one as to whether it is wise or not, they are as patriotic as ever, as much desire admission as we, but they think it a mistake to apply for admission now on account of the condition of the territory, and that it will increase taxation too much. My amendment is this: "Until the valuation of property in the state shall equal .... millions of dollars, the judges of the supreme court provided for in this article shall not be elected, and said court shall not be organized; upon the attainment of such valuation the legislature shall by special enactment provide for the election of such judges, and the organization of said court. Meanwhile the three district judges provided for in Secs. 10 and 13 inclusive of this article, shall constitute the supreme court, formed and continued as the supreme court has been formed and continued, and as shall be prescribed by law." This allows our constitution to stand as perfect as we can make it, with an independent supreme court in it, and prepared to go into operation just as soon as the state can afford it, and we can induce the people to ask the legislature to set in operation the supreme court.

Mr. RINER. I have sat here for two or three days and listened with considerable interest to the discussion had for the last two days, in regard to this supreme court. I think it is pretty well understood in this convention what my views are on that question, although I have not up to this time found it necessary, or thought it necessary, to say one word, because a mere statement of the facts to an intelligent body of men seemed to me to take away all necessity for argument, upon such a proposition. I take it, Mr. President, that one of the principal things we want, if we are going to be a state at all, is to take us out of this objectionable territorial condition under which we are now. I say, Mr. President, if the people of this territory refuse to ratify a constitution that contains all of the machinery, and the proper machinery, and I may say the only proper machinery, for a state government, let us remain a territory until they are willing to ratify such a constitution. One of the great evils of a territorial government, and it is conceded by men who take the opposite view, that one of the evils and one of the great evils, is that our people are deprived of their right of appeal. They are deprived of a right which they are entitled to have so as to have their property rights protected, to have their rights retried by three impartial men in an independent supreme court. Now it is argued here that with these judges, by allowing one to go off, you would have comparatively an independent supreme court. It is apparent to every intelligent man that you would make your court worse instead of better. If we are going to have four judges, let us have them all on the bench, so that when I have occasion to criticize any of their opinions I may do it to the man's face and not be misrepresented. I say, Mr. President, that it is to the credit of the judges of the district court to say that they are unfit to sit in the supreme court on their own cases. True, in the hurry of a trial, a judge may commit errors, which he would himself be glad to correct. But in that case, when there is filed in his own court a motion for a new trial, and it is argued by counsel, he is fully informed on all the facts, and if he is a man fit to fill his position he will not reverse himself in the supreme court. I say to you, when you say our people are not deprived of the right of appeal, you cannot go into the supreme court without at least the judge who tried the case below against you. It is a compliment to that judge, because if he is fit to fill his position in the district court he will be against you in the supreme court, and everybody knows that. If he is a man who is going to change his opinions, as members of this convention do, with every whiff of the wind, then I say get him out of the district court, for he isn't fit for a justice of the peace. I don't believe this thing that the people of this territory will not ratify the constitution, if we frame a careful constitution, and put it in shape to put into operation a full and complete machinery for a state government, just because some member of this convention says "I don't believe in a supreme court." You must all concede that it is the only court that can be called a supreme court at all, if you concede, as I do, Mr. President, that the judges are honorable men and competent to fill their places. I may say, as some others have said, that I have talked with the people about this question, and I go about this territory perhaps as much as any other man in this convention, I have talked with men in Sweetwater county, and with men in Uinta county, and I don't speak of those men who have property rights which must be passed upon by the courts, I have talked with men in Sheridan county, I have talked with men in Carbon county, in Albany county, and men in Laramie county, and I find that the universal sentiment is very largely in favor of a supreme court, and an independent supreme court, where a man knows when he takes his case into court, he can go there and get full and impartial justice. Now I say that all the argument and the only argument that can be brought against this proposition is the one of expense. Here we prophesy that we are to be a great state, Mr. President, and yet the argument is used here that because a supreme court is going to cost us six thousand dollars a year, we should give it up. We expect to be a great state, let us then here frame a constitution which will put into operation full and complete machinery for a proper state government, and I believe the people will ratify it and gladly ratify it. If we are not far enough advanced to do that, let us remain in our territorial condition until we are. If by statehood we are not to better our condition, let us remain as we are, and let the United States pay for our judges. That is the way I feel upon this question, and if six thousand dollars, Mr. President, is to prevent the people of this territory from ratifying this constitution, then I say let them vote it down before we ever submit to such an amendment as suggested by Mr. Potter. He himself, as a lawyer, concedes that the principle of the thing is wrong, and he is honest when he says that, yet for policy's sake he sacrifices the principle, and puts us in the same condition that we are in today, when the purpose of forming this constitution is to get us out of that condition and to better ourselves. If we are to sacrifice principle and lay aside everything but the question of policy, then let us adjourn tonight and go home. We are not here for that purpose, Mr. President, we are here for the purpose of framing a constitution and preparing all of the machinery for a proper state government, and unless we can do that and do it from principle, let us quit at once and go home. There is not a man I have talked with that is opposed to this entire thing but what says I concede the supreme court is the best, it is the thing that ought to be done. Why deprive them of the right of appeal for six years? If it is wrong today it is wrong every day that it exists. You say that the principle is wrong, yet you are going to deprive the people of this territory for six long years of a right which you say they should have. I think when this convention comes to consider this question they won't change their views from those expressed here in committee of the whole last night.

Mr. HOLDEN. I do not care to discuss this question for the reason that this matter has been pretty well ventitlated by various members of this convention already. I desire to offer but a single remark. When I was a boy I remember reading a story which is doubtless familiar to all the members of this convention, and it is substantially this. On one hot summer's day an old gentleman and his boy started across the plain. They had one little donkey, and as it was impossible for them both to ride, the father said to the son: "Boy, you are younger than I and perhaps you won't feel the effect of the burning rays of the summer's sun as I will, so I will ride and you can walk." In this way they started out, and they had not gone a great ways when they met a party of people, and they said, "What sort of a father are you, what sort of affection do you have for your children, that you ride along at your ease, while your child is plodding along through the heat?" The old gentleman reflected a moment, and said to his boy, "Well, boy, perhaps I am wrong, you get on and ride, and I will walk." They had not gone far in this way when they met another party and they said, "What sort of an ungrateful child are you to let your old father walk along through this burning heat; why don't you both ride?" Well they thought perhaps that would be a good plan, so they both got on the little donkey, and they met another party who said, "Why don't you carry the little thing instead of making it carry you?" So they tried that and found that didn't suit the next party. Now sir there is a moral to be learned from this little fable, and I have during the entire course of my life been endeavoring to reduce that moral to practice. The only desire I have upon the face of God's earth is to know I am right, and if I have the approval of my own conscience, feeling that I have the approbation of my Father in Heaven, I tell you, gentlemen of the convention, I don't care if all the people in the universe say I am wrong. I did not come here, sir, for the purpose of pleasing the people of Uinta, nor the people of the territory of Wyming, I am here, sir, for the express purpose of framing a constitution which shall be right in all its provisions. I believe, sir, that the principle involved in an independent supreme court is right, and rather than go into the union without an independent supreme court, as the gentleman has just remarked, I would prefer to remain in a territorial condition until we can come in with it, and are able to set up business on my own account. I suppose that the charge that this measure comes from the bar will not properly apply to me. I am a simple ranchman living ninety miles from the county seat, simply conducting my little ranch and taking care of my cattle and horses. That is all I have or expect to have.

Mr. PRESTON. Several gentleman in this convention have made some bright remarks in regard to the necessity of a supreme court. I will say to you, gentlemen of the convention, that had I known that this question was coming up for argument this afternoon, in order to lay in the shade everything that has been said why we should have a separate supreme court, I would have got from the stenographer a copy of Mr. Potter's speech and delivered it here this afternoon upon this question. They claim that we should not have a supreme court for the reason that the people of the state of Wyoming will be so poor that they cannot pay the extra expenses. The same gentlemen who have advanced that idea to this convention, when the proposition was presented to you for your consideration to reduce the erpenses of this territory of Wyoming, by having one representative on the floor of the senate from every county in the state of Wyoming, asked for an increase of senators that will heap upon the taxpayers of this state an increase of taxation from three to six thousand dollars a year, and I say to you, gentlemen of the convention, that the state senate is no comparison to the importance of the supreme court. It is true that the governor of the state and the other officials of the state are of some importance to the state, but the machinery of the state is in the supreme court, and unless the machinery of the state and the policy of the state is such as will administer justice to all alike, then I say to you, gentlemen of the convention, as Mr. Riner has said, let us adjourn and go home. We have not come here, as I said last night on this question, for the purpose of considering the hobby of any man, or for the purpose of considering the hobby of any politician in the territory of Wyoming. Now it is claimed that if the question of an independent supreme court is embodied in the constitution of this territory that the people will vote down this constitution. As it has been already inquired, I would like to know where this authority comes from. It has been said in this convention that Maj. Baldwin left this convention simply because they had decided to have an independent supreme court, I simply say to you, gentlemen of the convention, that the gentleman who made that statement has simply been misinformed. It is true that the major did object to an independent supreme court, and there are many other things that the major thought are inexpedient, but that is not the reason he left the convention. It was simply for the reason that important business called him home, business that he could not avoid going there to look after.

Mr. HOLDEN. Maj. Baldwin told me this morning that he thought the principle was right, that we ought to have an independent supreme court.

Mr. PRESTON. Now then, gentlemen of the convention, if the rights of the people of Wyoming, if the rights of those who are compelled to go into litigation, is to be jeopardized by wiping out of this constitution one of the most important elements, one of the most important principles of a state government, then I will say to you, gentlemen of the convention, that you are mistaken if you think that the people are going to support a constitution that will jeopardize their rights and their interests. What does the amendment mean, and more particularly what does the gentleman mean when he introduces the amendments?

Mr. POTTER. None of your business.

Mr. PRESTON. Perhaps it is none of my business, but I have the right to inquire what is meant by the introduction of the amendment. It means this, that instead of having three supreme judges in this state, that it is to be divided into four districts, making four judges in all, and all this constitution has asked for is six judges, just two more than is provided by the gentleman's amendment. One more judge that it will take the same salary to pay, the additional judge in this additional district, that it will take to pay one of the supreme judges. Now then there will be two more supreme judges in an independent supreme court, and they have got to be paid for by the people of the state of Wyoming, and that will amount to six thousand dollars. Now I ask you, gentlemen of the convention, that if out of one or two hundred cases there will be scarcely one case that will go to the supreme court, unless there is a sum equal to the salary of the supreme court, involved? And I want to ask you further, is there any man, who if compelled to litigate for his rights, if he goes into court to litigate, and while in that court his rights are jeopardized, a decision is procured that is detrimental to his interests, a decision that is wrong, a decision that an independent supreme court might reverse, I want to ask you if a single man in that position cares to go to a supreme court where he will find the government jack knives in him?

I say to you, Mr. President and gentlemen of the convention, that so far as the pitiful sum of six thousand dollars is concerned; it is absurd to ask the people of this territory, to this convention, to wipe out of the constitution, an independent supreme court, simply upon a protest that comes from you don't know where.

Mr. CAMPBELL. It will be remembered that when this matter was up last Monday I spoke upon the question, and have kept quiet ever since. Now I am in favor of a supreme court from conviction, yet at the same time if we cannot get into the union as a state without abandoning an independent supreme court, I am in favor of abandoning a supreme court. But I don't think it will be necessary. I don't believe that the people of this territory are so bigoted, so stingy, that they will refuse to ratify this constitution and ask for admission to the union, simply because of this matter of six thousand dollars. I have much mistaken their temper and liberality if that is the fact, and I will be very sorry to learn that that is the fact. Now the judiciary committee last Monday brought in and asked as a special favor that the convention should decide then whether or not we should have an independent supreme court. After some discussion participated in by those in favor and against it, it was decided by this convention that we should have an independent supreme court. This committee was then ready to report a scheme for the courts of this territory. They formulated their report upon that basis, and very much to the surprise of this committee, last evening that question was opened up again, and decided again. Now I merely wish to say, Mr. President, that if this amendment of Mr. Potter's is to be considered in this convention, then I say that this whole matter should be referred back to the judiciary committee. As I say, this amendment conflicts with the whole scheme of this bill, and it will be necessary to refer it back to the judiciary committee so as to make the necessary alterations. We shall have to have county courts, because they will be some proptection, to the people, and if you have county courts, you will have to have a judge in each county, and it will be much more expensive than an independent supreme court. I shall vote first, last and always for an independent supreme court.

Mr. BAXTER. I have taken occasion once or twice to express my opinion upon this question, and I have seen no reason as yet to change it. I believe that an independent supreme court is as essential to the proper administration of the affairs of this state as any provision we can insert in the constitution. I just want to make one remark touching upon the fear that some of the gentlemen here seem to have, that this proposition is going to be defeated. They seem to be afraid the people won't ratify it, and I am induced to give point to it, as Mr. Holden has, by a little story I once heard. I once heard of an old lady, who was asked by a friend of hers, what she thought of Mr. Ingersoll's views. She said she had never heard of Mr. Ingersoll. Well, said her friend, he lectured here recently, and he says the Bible is not true. What, says the old lady, he says the Bible is not true? He says there is no

God? What, says the old lady, he says there is no God? In addition to that her friend continued: He says there is no hell. With that the old lady sprang from her chair, "What," she exclaimed, "he says there is no hell, does he? Well, he'll see; he'll see." And I think we will see whether the people will endorse this proposition or not. I believe the people will have it, they understand the importance of a supreme court and are going to protect their interests properly.

Mr. CLARK. It makes no difference to me in my vote upon this proposition whether Maj. Baldwin holds to the opinion that we should have a supreme court or not, and I take it that his opinion alone would not decide what would be the proper course for this convention to pursue. Now I want to ask this convention whether they want to give up an independent supreme court simply because they think they can buy justice a little cheaper?

Mr. POTTER. Let me say first that I don't believe it is a very good argument against a measure to reflect upon the motives of the person who presented it, and it makes no difference to me whether every member upon this floor is surprised, is astonished at my action. I always do what I consider right; I may be mistaken in my notions of what is right, but they are honest so far as my motives are concerned. Now as to what I said the other day that if I was inconsistent, let any one call my attention to it, what I said was that if I voted upon this floor for anything that was not consistent with the equality of all men, then call my attention to that vote, and I will change it. That is what I said, and I still insist upon it. Now then I offered this amendment at the request of a member of this convention, who is perhaps too modest to get up here and make an amendment of this kind. I also offered it because it has been stated here that just as soon as this question was brought up here, the lawyers got up and occupied all the time, and that everyone seemed to be afraid to oppose this measure, and although they talked outside in opposition to it, when they came to the point, no one opposed it, and I want to say just now that they don't deserve any reperesentative on this floor. The very persons who have talked with me about this matter have been as still as mice during the discussion and passage of this bill, and it almost makes me feel like voting against my own amendment. I would vote in a minute for a supreme court in preference to a county court, if you are going to have county courts, they will be much more expensive and not nearly so efficient. As I say, it has come to my recent knowledge, I may have been misinformed, but it has been stated to me very strongly by those who pretend to know, that the people of this territory had considered this matter, and were strongly opposed to an independent supreme court. Now then I prefer statehood with a supreme court as mentioned in this amendment, rather than remain a territory, although some of the others would not. I don't consider an independent supreme court all we are after in becoming a state. I consider there are other material advantages we would get with statehood that would outweigh the difficulties we would have in a supreme court as suggested in my amendment. Treat me fairly in this matter and don't mistake my intentions, or motives, or my ideas of these things. In the first place I have never made a speech on this question except once, and that was one day when the judiciary committee asked leave to submit their proposition, and I don't think any eloquent speech that I made at that time can be quoted as against my amendment, for all I said then, and the judiciary committee will bear me out, in what I said in committee meeting, that while I was in favor of a separate supreme court that I was afraid that the people would not ratify it, and Mr. Harvey and I talked it over together, and we thought it a very important matter as he will agree with me, and we both went into the committee room with fear. While we both wanted an independent supreme court, we were afraid that the people would not ratify it. I stand now just where I did when this matter was first before this convention, I am in favor of an independent supreme court if we can have it, but if we can't why let us have the next best thing.

Mr. BURRITT. Mr. Potter seems to construe my remark as a reflection upon his motives, there was nothing further from my mind than that. I had no intention of casting any reflections upon Mr. Potter whatever.

Mr. COFFEEN. The rebuke that has been administered to those who voted against an independent supreme court is somewhat just, but there are however extenuating circumstances. I have seen one man after another get up here on this floor and instead of making arguments against the gentleman's amendment, have simply questioned his motives, and I have with great difficulty remained quiet, but it was difficult to get the floor without interrupting the eloquence of the gentlemen here, and I wish to express my appreciation of the courtesy of the gentleman from Laramie who understands the exigencies of the situation, and who has done his simple duty in offering an amendment here on behalf of those who are opposed to the present establishment of a supreme court, separate from the one to be derived out of the four district judges. Now I, whether fortunately or unfortunately, among those who do occasionally and when reason is presented to me, change my mind I am among those who can be convinced. I have heard of those who cannot be. There are some here who will not be convinced and will do what they can to prevent others who can be convinced from seeing this matter in the proper light. I spoke on this question yesterday, and I regret exceedingly that we have not had more support in the way of addresses and speeches on behalf of the non-professional element. I have no charge to make against the legal fraternity in this convention, but we must bear in mind that there is another side, I do not deny the force of the argument in favor of a separate supreme court, but if it is going to deprive you of the very hope of statehood then I think you are going a little further than good judgment would require, or justify. Statesmanship, gentlemen, as I apprehend it, does not consist in pursuing one point which you believe is important, and which if you cannot carry out, brings destruction to all that is good. Statesmanship has a regard for the circumstances which surround the people for whom you are exerting your efforts in a representative body. I know the circumstances surrounding the people whom I represent here, and if the means were sufficient, if the state was higher, further along in her development, it might be best to have a separate supreme court. But I insist, taking the territory in its present condition, taking that as a standard, I believe it a greater and more weighty reason for supporting this amendment that there is in going against it. This amendment provides that in a certain time we hope to be able and in shape to have a separate supreme court, and as soon as we can afford to have a separate supreme court, we shall have it, and I tell you, gentlemen, that six thousand dollars a year is a pretty heavy expense to ask the people to endorse you in putting upon them.

Mr. MORGAN. The motives by which a man is governed in his actions in a given direction should be judged by that man's character, by what people know of him, honestly or dishonestly. To attempt in a convention like this to impugn a member's motives is not the act of a prudent or a wise man. It was an attempt, a sorry attempt, to use the whip to drive members in a certain direction. Aside from the danger of endangering the ratification of this constitution, if such opposition exists, as has been stated upon this floor, I am afraid that we are not able as taxpayers to stand the extra expense of this independent supreme court. In this bill we have fixed the very economical sum of twenty-five hundred dollars as the compensation of a supreme court judge, and we do not dare to put it any higher. We knew to do it was to endanger the ratification of this constitution, and upon that very argument we refused to establish offices which we knew ourselves could not be compensated as we knew they ought to be compensated. As to the popularity or unpopularity of this measure, I have been informed that some members who are in favor of this amendment and opposed to this idea of an independent supreme court have circulated that report. Mr. Chairman, there are measures which I would dearly love to see in this constitution, but I would not insert those measures even by the unanimous vote of this convention because I believe that the people of the territory are not ready for those measures. I believe it would be destructive to the ratification of this constitution. There are so many things which I would like to see in this constitution which would be wise and pertinent in the way of progress, but I would rather deprive myself of something I desire than jeopardize the ratification of this constitution. Again, the plea is always made that it is only six thousand dollars, only a trifle, but you must bear in mind that with every office created in this constitution it will require an expenditure of an additional amount, and when you come to take the aggregate of all these trifling amounts, you will find that it will amount to considerable. It seems to me that Mr. Potter's amendment will answer all purposes for the present, and when we are able to establish a separate supreme court we can do so.

Mr. HOLDEN. I want to make this statement. Since this convention has been in session I have had no opportunity of talking with the people of Uinta county, but my colleague, Mr. Clark, has but recently, within the last two or three days, returned from the county seat of Uinta county, where court has been in session since the morning upon which this convention convened. At that court the leading men of the county were doubtless present, as they always are. I would like to ask him whether any one of the citizens there raised a single objection to this measure? (Clark: They did not.)

Mr. HOLDEN. When I quoted to him my opinion, the remark which the daily newspapers here credit me with, namely: "That the people of Uinta county would prefer to remain in a territorial condition throughout the endless cycles of time than to surrender the right of the women of the territory to vote," he said I had voiced their opinion. And he added that they would ratify no constitution which this convention might make which in any way interferred with their rights.

Mr. HOYT. I am not sorry that we have spent an hour or more upon this matter, because I deem it very important. That man is consistent who stands by his own convictions. Those convictions should change when right demands. I was astonished at some of the remarks made here this afternoon. I wish to say now simply that if it can be proven that the courts of Wyoming are today damnable, then I am willing to join hands to get rid of them and establish a better form of court than we have now, if the condition of things be such as stated by the gentlemen who have most to do with the courts. I have nothing to do with them. Justice is of the utmost importance to a free people, and no government can be respected in which justice is not supreme, and so I say that if our courts are such that justice cannot be meted out to these people then I am willing to go hand in hand with you and establish a separate supreme court, and take the responsibility of the extra five, or ten, or fifteen, thousand dollars that may be necessary to secure justice, and I will support that measure and go before the people and support the action of the convention.

Mr. BROWN. I feel that this convention is perhaps upon the verge of a calamity or I should not open my mouth upon this question. Something has been said about people's changing their minds, I care nothing about that. I heard a man say once he didn't know which was the biggest fool, the man who changed too often or the man who didn't change at all. Now, my inclination is to the belief that the man who can never change is the biggest fool of the two. Now that is all I have to say on that question. Now as to this matter of a supreme court. I believe every man in this convention wants to do his whole duty, and to do what seems best and will be best for the young commonwealth. The only question with any of us is as to what is best, and in order to determine that question we are not to go out upon the highways and byways and consult politicians as to what they think about it, we are not to consult Tom, Dick and Harry, but we are to determine this question upon its real merits, each and everyone for ourselves, and on our best judgment. Now what is the argument that has been presented against an independent supreme court, or against the measure which has been reported here as it now stands before this convention. They say we must change it on the ground of economy. I can say to you, gentlemen of the convention, that on the ground of economy, the way the courts are now constituted under this proposition, that they are more cheaply constituted than ever before in the history of Wyoming territory. There is no question about this; what do we do? We wipe out at one stroke the expense of probate courts in every county in the territory, and for these courts, probate courts, that cost from five hundred to a thousand dollars each in every county in the territory, we substitute a district court, that takes all the business of the probate courts. Here is one step toward economy in the expenses of the courts of the new state. Now taking these ten probate courts and adding together the expenses of each one, as many as there are counties in the territory, and the expense of maintaining them largely exceeds the expense of an independent supreme court as proposed in the constitution of the new state. So then, if you object to this measure on the ground of economy, you are in the wrong and not in the right. It is stated that this matter of an independent supreme court is unpopular with the people. I tell you, gentlemen of the convention, if by any accident you overcome this proposition for a supreme court, that any constitution that you present to the people, with its mongrel court, is in danger, and don't you forget that for a moment. I know of men, lawyers and laymen, who will go out among the people of this territory, and from the instant your constitution is completed until the people shall vote upon its adoption, who will work to defeat any constitution that deprives the people of this new state of this one element of justice, and when you take from them a supreme court you are denying justice to the people, and this is the proposition you have got to meet, and if there is any danger for the constitution you propose giving them, the danger lies in adopting a mongrel court, not from adopting an independent supreme court as a part of the constitution. Some gentlemen say we want a state government whether we have a supreme court or not, others say we never want a state government if a supreme court is denied to us. It does not matter how we may view this question, we wish the people to say, and I am willing to trust this matter to the people of Wyoming. Ever since the days of the Magna Charta and the time when the Anglo-Saxon people resisted the government, justice has been the ruling trait of the English speaking people from that day down to the present, and when you say that you will place your form of government above this question of justice, you are refuting the tradition of the race, and turning backward to the days of barbarism. Shall we do this then? I tell you, gentlemen of the convention, if you are going to seize justice by the throat, because it will cost the people of this territory the pitiful sum of six thousand dollars, then you had better wipe out any thought of a state government for them. The people of Wyoming are not willing to sacrifice justice for this trifling sum of six thousand dollars, and I tell you, if they are willing, I should think they were like Esau, of old, selling their birthright for a mess of pottage and I would not have much respect for a people that would take that course. Don't sell justice for the paltry sum of six thousand dollars a year, I beg of you.

Mr. SMITH. There has been so much said here that I did not think I would say anything, and yet I don't think there is a gentlemen on this floor but realizes that this is the most important question that can come before this convention, or that can come before the people of Wyoming territory, or of the state of Wyoming. The prime argument, the fundamental reason, why the people of Wyoming territory want a state is because, under the present administration, or present form of government, they are deprived of what we call their right of appeal. That is the principal thing. It is true there are several arguments why we should be a state. One is a matter of sentiment. I would like to vote for president. I should like to have something to say about who shall govern this national government. That is one reason, but that is a mere matter of sentiment. Then again, we would like to have something to say about the persons who are going to rule over us, and to be sure that they are people who are residents of this territory. That is another argument. But the main reason that we ask for statehood is because we want a government in which the laws can be administered in a way so that we can get justice, and I say now, and I say it without any doubt about what I am saying at all, if you go before the people with this mongrel form of court, they will vote down the constitution, and you cannot blame them. The idea that the people will support any kind of a constitution I believe is a mistake; I believe they are honest and will act upon their convictions. I have no fault to find with a man's changing his mind, if he does it honestly. I tell you, gentlemen, what you know and I know, that the men this territory is made of are men who act from principle. They will support a measure if they believe it is right, and for the best good of the government, but when it comes to ringing in courts of incompetency, I tell you the people will not support it, but if you give them an independent court, a court that will administer the laws without interference, without logrolling, they will vote for it, nineteen out of twenty, but if you take that away from your constitution they will not adopt it, and you cannot wonder at it.

Mr. HAY. I have not said anything upon this subject and don't intend to say much now. It seems to me there is a good deal of talk here that is altogether unnecessary and does not apply to the question. This is only a question of five or six years. It certainly is a conservative measure. We are not surrendering the idea of a supreme court for all time to come, and it strikes me that our conservative action in that direction will please the people, and it seems reasonable to me that this amendment offered by Mr. Potter should go through, and should be adopted by this convention.

Mr. RINER. It would be like a confession to congress that we are not ready to assume the burdens of statehood.

Mr. HAY. It does not strike me that way at all, it is no confession at all, but simply an indication to congress that we are a conservative people, that we are not trying to rush into all the machinery of a full fledged state at once, that we are not trying to take on things that we cannot afford to pay for, and those of us who are here now and paying taxes know that the burden is as much as we can stand, and if we are going to increase it by statehood we had better remain as we are.

Mr. CHAIRMAN. Are there any further remarks to be made upon this question?

Mr. COFFEEN. I believe I would like to have my vote on this subject recorded and hence would call for the ayes and nays.

Mr. CHAIRMAN. The ayes and nays are called for. Is there any objection? The chair hears none. The clerk will call the roll. Gentlemen, the question is upon the adoption of the amendment offered by the gentleman from Laramie, Mr. Potter. So many as are of the opinion that the substitute be adopted will say aye as their names are called; those of the opposing opinion will say no.

(Roll call.)

Mr. ELLIOTT. I desire to explain my vote. I was about to make a few remarks, but the gentleman seemed to be in such a rush I did not, but desire to claim the privilege of stating my position. I believe a great mistake is being made here in considering the future altogether and paying no attention to the present. We have as much to do to deal with the present condition of this territory as we have in dealing with its future, and I say, sir, while I would be glad, too glad indeed, to see an independent supreme court, we must have consideration for the present condition of this territory, in discussing this question, and in view of our present condition I must vote aye, for this amendment.

Mr. FOX. I don't exactly approve of this amendment. I would have preferred the proposition submitted by Mr. Hoyt, therefore I vote no.

Mr. CHAIRMAN. Gentlemen, your vote on the amendment offered by Mr. Potter is as follows: Ayes, 17; noes, 21. By your vote you have refused to amend according to his proposition.

Mr. RINER. I move the bill be placed upon its final reading.

Mr. CHAIRMAN. The bill is now on its final reading. Final reading of substitute for File No. 50. The question is on the adoption of the substitute for File No. 50. All who are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Mr. CHAIRMAN. Gentlemen, your vote on the substitute for File No. 50 is as follows: Ayes, 37; nayes, 11; absent, 11. Gentlemen, by your vote you have adopted substitute for File

No. 50 as a part of the constitution of Wyoming. What is your further pleasure, gentlemen?

Mr. TESCHEMACER. Committee No. 19 would like to make a report.

Mr. CHAIRMAN. Is there objection to Committee No. 19 making a report at this time? The chair hears none. The committee may report.

Mr. TESCHEMACHER. Your committee No. 19 beg leave to report that the substitute for Files 35 and 57 is properly engrossed.

Mr. CHAIRMAN. You have heard the report of your committee. What is your pleasure?

Mr. BURRITT. I move the file be read a third time and placed upon its final passage.

Mr. CHAIRMAN. It is moved and seconded that the substitute for Files 35 and 57, the irrigation file, be placed upon its final reading and final passage. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it. The motion prevails. The secretary will read. If any one desires any particular section read they may call for it.

Mr. COFFEEN. I desire the reading of Sec. 3, the one I believe on which so much discussion has been had.

(Reading of Sec. 3.)

Mr. COFFEEN. Since the chair has been kind enough to allow us to reconsider this matter, I move to strike out Sec. 3 from the present file.

Mr. FOX. Second the motion.

Mr. IRVINE. It seems to me that it is hardly fair to put that to a vote when Mr. Johnston is away. He is a member who is most anxious to vote upon that.

Mr. ELLIOTT. I move as a substitute that after the words "better right" there shall be added "but shall not be conclusive in determinging the better right." That is, that if there is anything else to determine it, it shall have consideration.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the substitute as offered by the gentleman from Johnson will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise and stand until counted—13. Those opposing will rise —19. The motion is lost.

Mr. FOX. I will now move to strike out Sec. 3.

Mr. COFFEEN. Second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. COFFEEN. I do not wish to say more than to try and speak out a word of caution. If this section is adopted it seems perfectly clear to me that no other consideration can matter or can be employed to aid in determination of rights, and it is a dangerous doctrine for us to settle upon, I wish the proposition to amend might have been more fully discussed, but I caution you now as surely as priority of appropriation for beneficial uses shall be the final determination of all questions, you have planted an injustice, as I believe, in the constitution which will be far reaching in the future, and do great injustice to many. I believe it should properly be the greater consideration, but to allow nothing else to determine, I think that is an extraordinary decision, and I shall therefore move to strike it out unless it can be amended. It has been hinted and suggested, pehaps unwarrantably, that there are corporate interests involved in this question that are very serious and close to the surface. I say this has been suggested, but I will not present that as an argument against it, that however that may be, this is a serious question which we have on hand, and one that will do great injustice to many that want to have justice done in the matter of the use of water.

Mr. BURRITT. I have said so much in reference to this irrigation bill that I do not wish to bore the convention with any more remarks, but the remarks of Mr. Coffeen and the insinuations thrown out by him in reference to this matter are such that so far as I am concerned I do not propose to allow to go unanswered. I think that anyone who knows my connection with irrigation companies and with parties owning irrigation ditches in Johnson county, and there are many on this floor who do, although there are some who do not, they will not doubt my honesty of purpose in supporting and advocating the measures of this bill. I certainly have heard of no corporate interests that are to be effected by it, and I have been exceedingly cautious and careful in considering this matter and in framing it, and if the authorities of over five thousand years you might say are of such a nature that they are favorable to the corporate interests of some institution in the territory, or the coming state of Wyoming, that exists only in the very fertile imagination of the gentleman from Sheridan, for whom I have the greatest respect, then, sir, I am guilty upon this floor of being the tool of such a corporation. This, Mr. Coffeen, is the water law of the oldest irrigation countries in the world, and I have advocated it because it seemed to be so fair and so just. This is the system known as the Australian system, it is the system adopted in the provinces of Australia and New South Wales, for which the British crown sent out a commission to examine and investigate. The United States has done very little in the matter of irrigation. England has done more than any country on the face of the earth to investigate this matter of irrigation. They have spent dollars where we have not spent cents to get at the root of this. Appropriation is the touch note in every country where irrigation is known, and, sir, I prophecy that the time is coming and coming soon when the state will take the course pursued by every country where irrigation is known, and will own and control the water. To strike that out in this bill and provide that priority of appropriation shall not give the better right, but that other matters shall come in is simply, sir, to throw this matter into the courts. Look, sir, at the history of irrigation in this territory, look at the infamous measures adopted, honestly, I have no doubt, and the injustice done to the owners of irrigation ditches. It is an outrage. It has cost the poor farmers of this territory thousands of dollars. I believe that this measure is right, just, honorable and honest toward all men, and will come nearer to reaching this difficult, in fact the most difficult question that the state of Wyoming has to settle, than any other provision that can be framed and brought forward. I would be glad to hear the gentleman who made this motion to strike out give his reasons for it. So far I have heard no reason why it should be stricken out and I believe it should stand.

Mr. COFFEEN. I endorse most heartily all the words that have been said, and I am most glad to hear the gentleman speak as he has, and I believe he is right and I am wrong. I was afraid this might lead to greater litigation, but my judgment may be wrong. I only repeated what I heard on the outside as to this bill, and I did not say I believed it, and I do not doubt but that the gentleman himself and the other members of the committee acted from the highest and purest motives in bringing this measure forward. I am convinced that this is all right, and unless the gentleman who made the motion can make an answer sufficient to overthrow the argument that the gentleman has just made, I shall vote against the motion to strike out.

Mr. HAY. It seems to me that the word "better" is unnecessary. If priority of appropriation gives the absolute right, there is no need of using the word better.

Mr. BURRITT. I will answer that but want to say one word in regard to another matter first. This convention would seem to have lost track of the fact that there are other beneficial uses besides irrigation. It is plain that water for domestic purposes is a beneficial use, that water for mining is a beneficial use; and they should all be placed upon the same equal footing. When this bill says that priority of appropriation for beneficial uses shall give the better right it means regardless of what that other right may be. I desire right here to say that it has been objected to, that here you take away from cities their water supply and leave them destitute, and in consequence of this they would not have the right to use enough water for their domestic purposes. They will have the right to just so much water as they have actually appropriated for their domestice purposes and have been in the habit of using at the time their ditches were constructed, and when any city in the territory so grows in size that it will require more water supply than it has the priority of appropriation for beneficial uses, then this preserves to the state the power in the legislature to pass a law allowing that city to extend its ditches, but they will have to pay for it, and they should. Now the city of Cheyenne draws its water from Crow creek, and they have a very ingenious system for increasing the supply at present, but if the city should increase three or four times in size, some of its ditches have got to be extended, and its supply increased, but they have got to pay for that, and it is to prevent this conflict of interests that this word better is used.

Mr. FOX. They want me to give my reasons for having this struck out. I want it struck out because I think it is useless. I think the other covers the whole thing. I think the proposition I suggested the other day should have been in this chapter, but the committee saw fit to strike it out, but I think this ought to be left out, and for that reason I moved to strike it out. I think it ought to be left to the legislature.

Mr. PRESIDENT. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost.

The question is now on the final reading and passage of the file. All who are of the opinion that the file as read should be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The secretary will call the roll.

Mr. PRESIDENT. I desire to explain my vote. In the first section of this file we make the declaration that the state shall be the owner of the water. We follow that up by saying that priority of appropriation shall give the better right, which is to deny the ownership in the state. There is contradiction in the bill. I believe further that this provision in the bill gives an opportunity for cheating and robbing the state by corporations. I therefore vote no.

The result of the vote on File 57 is as follows: Ayes, 35; noes, 2; absent, 12. Gentlemen, by your vote you have adopted File 57 as a part of the constitution of Wyoming. The file will be referred to the committee on revision.

Mr. TESCHEMACHER. I move that the two reports of the legislative committee and of the apportionment committee be made special order for this evening, and I hope it will be allowed for this evening, because I understand a great many are going away.

Mr. PRESIDENT. It is moved and seconded that the two reports of Committee No. 2 and the two reports of Committee

No. 6 be made special order for this evening. Are you ready for the question?

Mr. COFFEEN. I am not ready for this question. It seems to be very foolish to have this question come up tonight, when we have not even determined whether we are going to have a night session. The general expectation was that there would be no night session tonight. I am very willing that the gentlemen who are to be absent should be accommodated to a reasonable degree, but I apprehend that there are many of those who would like to see this go over until Monday. I move that this be made special order for Monday afternoon.

Mr. PALMER. I would say on behalf of some of the proposed absentees whom Mr. Coffeen seems to be so anxious about that it comes with very bad grace from him to refuse us, when he has occupied most all the time in the convention himself so we couldn't get ahead more. We have to go away and insist on this coming up today.

Mr. CAMPBELL. Speaking of having an evening session, I don't think we will gain enough to pay us for coming up here this evening. I have felt the effects of last night all day. Sitting here from 9 o'clock in the morning until 11 o'clock at night is more than I can stand. I think the resolution agreed that we should have evening sessions through the week except Saturday night.

Mr. POTTER. It seems to me there is no necessity for postponing this matter until Monday.

Mr. COFFEEN. In reply to the gentleman from Laramie I will simply say that in consideration for the people who go west, that they might have time to get back, I move it be put off until Monday afternoon, and also that all might know that this question was coming up. So far as I am concerned myself I am ready now to contest this matter if it should come up. I should have preferred Monday afternoon.

Mr. PRESIDENT. Gentleman, at this moment I deire to say that in the past whenever any member has used language that seemed to reflect upon another, I have called no one to order, but I insist that it shall not go on any further. This is no place to indulge in personalities or personal reflections upon any matter whatever, and the chair will insist upon its rights, and it shall not be done hereafter. The question is on the motion as amended, that the two reports of Committee No. 6 and the two reports of Committee No. 2 be made special order for Monday afternoon. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

The question is now on the original motion that these reports be made the special order for this evening. All in favor of the motion will say aye; those opposed no. The noes have it; the motion is lost.

Mr. POTTER. I move these files be made the special order and immediately considered by the committee of the whole.

Mr. BARROW. I move no one be allowed to speak more than two minutes in committee of the whole.

Mr. COFFEEN. I rise to a point of order. I do not think that motion can be entertained at this time, in connection with this motion.

Mr. PRESIDENT. The chair is of the opinion that as we have no rule upon that subject, no such motion can be entertained at this time, it being an amendment to the rules, it must lay over. The question is on the motion to go into committee of the whole for consideration of the special order.

Mr. COFFEEN. I know there are certain parties that seem to be very anxious to rush this question at this time, but it appears to me, having worked as late as we have, there must be some anxiety that I feel is hardly justifiable, in rushing us at once into this, and that too when efforts are made in this convention to shut off debate. I beg your pardon most heartily and sincerely and with due humility for occupying too much of your time but at the same time I have always stuck to the question and tried to secure justice upon every question. I have never attempted to cut off debate of any one. I think we cannot, in justice to ourselves or the question that is to be handled, go into this question tonight, and therefore I shall oppose going into it at once.

Mr. PRESIDENT. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. We are now in committee of the whole.

Mr. CHAIRMAN. Gentlemen of the convention, you have before you the majority and minority reports of Committee No. 6 and the minority reports of Committee No. 2. The legislative reports are before us, I believe. The clerk will read the majority report.

Mr. BARROW. I believe the matter of apportionment was mentioned first, and I believe that it should come up first.

Reading of the reports of the two committees.

Mr. BARROW. I move when this committee arise they report back the majority report of Committee No. 6 with the recommendation that it be adopted as a part of the constitution.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. The question before the house is when this committee arise they report back the majority report of Committee No. 6 with the recommendation that it be adopted. Are you ready for the question?

Mr. BAXTER. I was not here the other day when this matter was discussed, and I regret that I was not as I was anxious to hear some valid argument in support of the proposition of one representative from each county. I was here a day or two since when this was referred to the committee, and I fully agree with Judge Brown of Albany, who pointed out the injustice that would be worked upon the population of several of the counties, if the report was adopted as suggested at that time. I believe now that these reports are just about as they ought to be. It seems to me that if we should lay the territory out into senatorial districts, in that way every county would have some representation. That is, that Sheridan county or Johnson county or some other county should be a senatorial district. They are thus entitled to one representive, whether or not they have sufficient population to entitle them to it, because it would be manifestly unjust to say that they shall have no representative at all. They are entitled to one man because they are entitled to representation. Now, after we have determined that, that they shall have one representative, then we shall determine the unit upon which this representation shall be based. The majority report allows five representatives from both Carbon and Albany county, each with a population of twenty-six hundred. As I understand it the unit is six hundred. Now it seems to me it would be a little more fair to give them four each, and let these two counties together form a float district entitled to one member. Now the same with Johnson county and Sheridan county, they are entitled to one member, and by joining them they would be entitled to one extra member in the house. I don't think as a rule float representatives are very effective, as they are very apt to represent the county they come from and forget all about the other. but I think perhaps it might be arranged in some way.

Mr. BARROW. We have had some experience with float representatives. I remember distinctly in 1884, that Johnson and Carbon counties were joined, and the candidate, Mr. Mc., was defeated in his own county, and elected in Carbon county, where he was not known, and Mr. France was defeated in his own county, and elected in the county where he was not known. I believe that every gentleman who has taken the trouble to figure on this apportionment offered by the majority of the committee, they have made an apportionment which is just, or as near so as can be arrived at. The apportinment is made on the same basis as made by Mr. Hay, taking six hundred for the house and twelve hundred for the senate, only that two members, one each, have been added to Albany and Carbon counties. There is reason for this, inasmuch as Carbon county has an overplus of two hundred and thirty-three in the house, and a like number in the senate, making a total of four hundred and sixty-six, and Albany county has an overplus of two hundred and eight in the house and two hundred and eight in the senate, amounting to four hundred and sixteen in both, when figured in this way. I believe I have figured on this thing for four weeks, and I have heard of other members who have done the same thing, and I challenge any other member to arrive at any other satisfactory or more just arrangement of apportionment.

Mr. COFFEEN. I wish I could say the few things I have to say within the two minute limit, but fear I cannot. The house has already, before these matters were referred back, settled upon two general principles by their vote, not that you need reference to it, but I call your attention to it that you may know where you are. You have settled and adopted the principle that the house shall have not less than two times as much as the senate, and not more than three times. If you will examine the minority report, you will find that it will conform to that principle. The house has settled upon that question, that there shall not be less than twice as many in one house as in the other. The house has also settled upon the principle that every county shall have at least one senator and one representative. That is settled, I believe, until there is no opposition. The relation of the number in one house to the other, and the fact that every county shall have one member in each house, that much is accomplished toward county representation. Now I want to appeal to you in the sense of fair play, as you shall concede it, when you take the facts of the majority and minority reports. The minority report has fifteen in the upper house, and thirty in the lower, and the majority report has sixteen in the upper house and thirty in the lower house. We have conformed then to the principle we have settled on, that there shall be twice the number in the lower house as in the upper house, and that every county shall have one representative and one senator. So far then we have conformed. We are opposed to the increase of the senate from fifteen to sixteen for many reasons. You must not expect me to take the time to give you all my reasons, but I will state one or two. In the first place, it increases the expense, and increases the number in the upper house in order to conform to this principle. On the basis of fifteen to twenty-eight, which seemed to be the ratio agreed upon at one time, raising that to fifteen and thirty, the question arises where shall the two extra representatives go. That is the question. That is where the main difference comes, I apprehend, between the minority and majority reports. Shall these two representatives to raise this from twenty-eight to thirty, go to Albany and Carbon counties that already have four, or go to Johnson and Sheridan counties that only have one in the lower house? Justice demands that it should be given to Johnson and Sheridan counties, which only have one. But let me show you the figures. Taking it from Mr. Hay's figures as we have it, the vote stands:

thus: In Albany county twenty-six hundred and eight votes, giving them four on the general apportionment we propose for the house of six hundred, makes twenty-four hundred, subtracted from twenty-six hundred and eight, gives you two hundred and eight. Six being the unit, then take Johnson county for instance, and subtract her one representative from her nine hundred and sixteen votes, you have three hundred and sixteen. A larger surplus, as you will see, and she should have the extra member, having but one already, yet you would give the extra member to the county having four already, and the smaller surplus. Ah, I knew I could touch your sense of fair play there. Take Sheridan county and subtract her six hundred votes, this gives her one, and you have two hundred and seventy surplus. This also is larger than the counties you would give the extra one. It is larger than Albany county, with only two hundred and eight, or Carbon county with two hundred and thirty-three. Not that I have yet heard an Albany county man say that he wanted to take five and give Sheridan and Johnson counties but one, for I believe that at all times they have endeavored to be liberal and just and fair towards Sheridan and Johnson counties. Then I will take Converse county. Surplus of Converse county in the lower house is one hundred and seven which is less than in both of our northern counties, yet you will give on a smaller surplus an extra representative to Converse county and deny it to the smaller counties, having also a larger surplus. Will you thus defeat justice, and be deaf to the dictates of your own conscience? Now how about the surplus in the senate. I will start by saying that it is a radical departure from anything ever heard or written of to take the apportionment of the senate and its figures, and thereby try to effect an apportionment concerning the lower house, and this convention is not ready to act upon that and take such a stand as that. It has been decided here by your vote that every county shall have one senator, and you cannot therefore question that. Now I have shown you that the two extra members by increasing this from twenty-eight to thirty, should go to the smaller counties as compared with the larger, and I have shown you by the very figures themselves that the smaller counties have a larger surplus, and I hardly think there are many in this convention but who will endorse the idea and stand by us in making this increase to thirty and agree that the two extra members should go to Johnson and Sheridan counties having as I have already shown you the larger surplus. One word more and I am done. I do not wish that you should lose sight of this data that I have given you. Our people will demand a representation that will look a little better than the one that gives five to these two counties, to our one. There is injustice in the very figures, and, sir, it will go hard with my people. I ask justice for my constituents. Another reason for favoring the minority report is the consistency with which our numbers conform to the principles already agreed upon, that there shall be twice the number in the lower house as in the upper. This in itself is a very good reason for giving it consideration. We have all conceded that the lower house must be at least twice the size of the upper. Then there is another reason, one however that I don't want to press upon you, but you know that our people have been a little prejudiced, and they have been convinced in their own minds, whether by wrong or right arguments I will not say, that it was not to their interests to have statehood, and I believe that prejudice will be overcome to a large degree when they see that you have treated them fairly, that justice has been done to them in the matter of their representation in the legislature of the new state, and I believe that the ratification of this constitution would be further advanced by giving to Sheridan and Johnson counties the two extra representatives instead of giving them to the counties which already have a much larger representation, and with a much smaller surplus, and who don't demand them.

Mr. BARROW. The gentleman from Sheridan wants us to give him equal representation with Converse county in the lower house. I stand here on behalf of Converse county to protest. The county of Sheridan has four hundred and thirty-seven votes less than the county of Converse. The county of Sheridan has two hundred and eighty votes less than the county of Crook. The county of Johnson has three hundred and ninety votes less than the county of Converse. I cannot see any justice, any shadow of justice, in giving either of those counties equal representation with the counties of Converse and Crook. He was speaking of the overplus in the house, and making that the basis of his apportionment. I would like to ask him what was his overplus in the senate. We take the basis of twelve hundred votes for one senator. He lacks three hundred and twenty-four, almost half as much as the total vote necessary to entitle them to one representative, and if the unit is fourteen hundred it would be even larger. The county of Johnson lacks two hunhundred and eighty-four votes to entitle it to a senator. I think when you consider the minus amounts which are lacking to entitle them to one senator, they are certainly getting all they deserve when they get one member in the house. At any rate Converse and Crook counties certainly protest against allowing Sheridan and Johnson counties equal representation with them, when we have, as I have shown you, four hundred and thirty-seven votes more than either one of those counties, and Crook has two hundred and eighty more.

Mr. POTTER. I don't rise to make any argument at all, but simply just a suggestion. I see that the majority report makes it sixteen and thirty; this does not make the lower house twice the size of the senate. The minority report is fifteen and thirty. The only difference being between the majority and minority reports in giving Albany and Carbon counties one member of the house less and Sweetwater county one member of the senate less. Now with sixteen members of the senate, we should have at least thirty-two members of the house, and the only thing to decide is to where those two members should go.

Mr. CLARK. I have been looking over this vote somewhat and I find that Converse county has two members of the house and one hundred and seven votes over according to the last vote, and Uinta has three representatives, and two hundred and and seventy-five votes if I have the right figures. I don't know but we might arrange it by increasing the house by one respectively in Converse and Uinta counties, making the two extra necessary to double the size of the senate, leaving the extra senator in Sweetwater county.

Mr. MORGAN. It seems to me that the legislative report should be read first. The majority of the legislative committee reported in favor of thirteen senators and twenty-eight members of the house. The minority committee, myself, reported in favor of fifteen senators and thirty representatives. I was governed in my idea of that number, fifteen and thirty, by two considerations. First that the house should be double the number in the upper house, as we have decided in the convention, and the other consideration was that there might be two extra members to go to whatever counties they might belong to.

Mr. IRVINE. I really thought it unnecessary to speak in our behalf. I simply want to call attention to the vote of the three counties of Converse, Johnson and Sheridan, and I feel sure that this convention is too fair a body of men to give the two counties of Johnson and Sheridan the combined vote of the two being 1,786 votes, just 479 more than the vote of Converse county, to give those two counties twice the representation of our county of Converse, as proposed by the gentleman from Sheridan, when they have but 479 more votes in both of them combined than we have.

Mr. TESCHEMACHER. I wish to ask permission to speak on the question of what rights and duties belong to the apportionment committee. Looking over a great many state constitutions I find hardly one legislative report that fixes the number at all. This is left entire to a separate article of the constitution, on congressional and legislative apportionment. I find here in the constitution of our next door neighbor, Colorado, a provision pretty near identical with this. It reads as follows: "The senate shall consist of twenty-six and the house of representatives of forty-nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, etc." Sec. 48 of the same article reads as follows: "Until the state shall be divided into senatorial districts in accordance with the provisions of this article, said districts shall be constituted and numbered as follows," then it goes on and names the counties and their apportionment. Now I wish to explain why it seems that these two reports have become mixed. Mr. Hay introduced a proposition which was ordered printed, and before that proposition, as I remember it, had been referred to the committee at all, it was taken up and moved as a substitute to the majority or minority report, I have forgotten which, of the legislative committee which we were then considering. And in that way the proposition which should have been referred to the apportionment committee, came to be considered in the legislative file. I merely say this to explain my reasons for speaking as I did the other night, which may have been considered hasty.

Mr. ELLIOTT. I would state to Mr. Teschemacher that the reason that the legislative committee undertook to fix the number was by a direct agreement with the chairman of the apportionment committee before we undertook to do it. The agreement was that the legislative committee was to fix the number and the apportionment committee should come in and apportion the counties as they saw fit. I would suggest that in considering this matter it would be only fair, as the proposition contained in the report of the legislative committee is on the same subject and goes over a good deal of the same ground as this, that the legislative report should be considered at the same time, and that that report should not be killed by the report of the apportionment committee being adopted without having had a chance to be heard.

Mr. CHAIRMAN. The question is on the motion of Mr. Palmer to adopt the majority report of the apportionment committee.

Mr. ELLIOTT. I move to amend that we go into the consideration of the report of the legislative committee.

Mr. CHAIRMAN. It is moved by the gentleman from Johnson that we consider the report of Committee No. 2. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it. A division is called for. All in favor of the motion will rise and stand until counted—14. Those opposed will rise—16. The motion is lost. The question is now on the original motion of Mr. Palmer from Sweetwater. Any further remarks?

Mr. COFFEEN. I have just a word to say. In the first place that report puts you in conflict with what has already been adopted, that the senate is to be half the size of the lower house. You also violate the figures which I have shown you. Converse county has already had, as a matter of fact, their two, with only a surplus of one hundred and seven, yet we have nearly three hundred surplus and that three hundred entitles us to an extra member on our side. I wish to have you note these figures. If you expect the ratification of this constitution you will need to have these figures in a little different position. I think that you want to consider that. Laramie county stands just the same in this report as it did before, and almost all the counties excepting one. And I would like to say a word to my friends from Sweetwater, because maybe they may think I have endeavored to be unjust, let us look into the figures and see whether the slightest injustice has been done by this. Follow me, friends, a moment. On the basis of twelve hundred for one senator their vote is seventeen hundred and forty-seven, nobody denies the correctness of the figures, this leaves her five hundred and forty-seven, and you have decided that she shall have three in the house, and you would give her two in the senate. Now I would like to ask where the justice comes in there. The very figures themselves show it to be unjust.

Mr. CONAWAY. The gentleman is making a good deal of a kick, as we say, about a non-representation in the house of three hundred and sixteen in Johnson county, and two hundred and seventy in Sheridan county, yet he don't want Sweetwater county to say a word when we are left out of a representation of five hundred and forty-seven votes, and Sweetwater is a small county too.

Mr. COFFEEN. Just a word on that, that is in the senate where the apportionment is on the basis of twelve hundred while our surplus is in the house, where the basis is six hundred, and of course it makes a difference.

Mr. CLARK. I believe, in view of the figures before this convention, that if one extra member is to be added to one county, it should be first to the county of Johnson, and second to the county of Uinta. This is if we are going to add one member. It should go to Johnson county with a surplus of three hundred and sixteen votes, but if we add two members one should go to Uinta county, and the other to Johnson county.

Mr. CHAPLIN. The argument has been advanced that Converse county would be injured by giving one representative to Sheridan and one to Johnson. I don't see how Converse county would be injured in the slightest. I believe if these extra members are added, they should be given to Sheridan and Johnson counties. Albany and Carbon counties will gladly give way to these smaller counties.

Mr. HAY. Upon what basis of representation do they mean to add these two, to thirty-two or thirty.

Mr. CHAPLIN. I believe twenty-eight was the number recommended.

Mr. MORGAN. Its getting very late, and I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that this committee now rise and report and ask leave to sit again. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise and report.

"Your committee, to whom was referred the majority and minority reports of Committee No. 6 and Committee No. 2, beg leave to report that the same have been duly considered, and your committee would recommend that the majority report of Committee No. 6 be adopted, and your committee reports progress and asks leave to sit again."

Mr. POTTER. I move the report be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report stands adopted.

Mr. BARROW. I move this report be considered the engrossed file, read the third time and put upon its final passage.

Mr. PRESIDENT. The committee asked leave to sit again. You have adopted so much of the report as fixes the legislative apportionment. Is that the matter which the gentleman wishes put upon its final passage?

Mr. BARROW. It is, Mr. President.

Mr. PRESIDENT. The committee asked leave to sit again to consider this file. I hardly think it is in the proper shape to be read the third time and put upon its final passage.

Mr. CAMPBELL. I move we now adjourn until 9 o'clock on Monday morning

Mr. PRESIDENT. It is moved and seconded that the convention do now adjourn until Monday morning. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now adjourn until 9 o'clock on Monday morning.

NINETEENTH DAY.

Morning Session.

Monday morning, Sept. 23, 1889.

Mr. PRESIDENT. Convention come to order. The secretary will call the roll.

Mr. ELLIOTT. I move a call of the house.

Mr. PRESIDENT. A call of the house is ordered. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The doors will be closed and the absentees brought in as rapidly as possible.

Mr. ELLIOTT. I desire to make a suggestion. It seems to me we are going to have to drop the names of some members off the roll if we cannot compel them to be present; that members who are absent without leave be dropped from the roll.

Mr. PRESIDENT. That is evidently so unless members send in their resignations. That I take it would be the more simple way, if they would do that. If they don't do that we have got to protect ourselves in some way.

(Bringing in of absentees.)

Mr. ELLIOTT. I move the proceedings be dispensed with.

Mr. PRESIDENT. It is moved and seconded that further proceedings under the call be dispensed with. So many as are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The gentlemen will take their seats on the floor of the house.

Mr. HAY. I move rule four be suspended.

Mr. PRESIDENT. The motion is that rule four be suspended. All in favor of the motion will say aye; contrary no. The ayes have it; rule four is suspended. File No. 67, presented to the convention as a proposition cannot be found. Can any of the committees inform us as to whether it is in their possession? The records show it was referred to Committee No. 20.

Mr. ORGAN. That file was never referred to us to my knowledge.

Mr. PRESIDENT. I wish the members of the different committees would look through their different files and see if the proposition is in their possession.

(Reading of the journal of the eighteenth day.)

Are there any objections to the journal as read? The chair hears none, and the journal will stand approved as read. Reports of standing committees. Are there any?

Mr. BAXTER. I would like to say a word before submitting this report. Soon after the substitute was referred many members of our committee found it necessary to be absent a greater portion of the session of this convention. As chairman of that committee I desired to extend every courtesy to the members of that committee, but we have reached such a late day that we have completed the report, and it is only signed by two members. I am unable to say when the other members will be present, and if the convention desire it, the report can be submitted at this time.

Mr. PRESIDENT. Does the convention desire the report submitted at this time? It seems to be the general wish that the report be submitted at this time.

Mr. CAMPBELL. I move the report be referred to the printing committee with instructions to act at once.

Mr. PRESIDENT. The chair would like to inquire of the printing committee before this motion is put when it is probable this matter can be printed and returned to the convention.

Mr. CHAPLIN. I would say it is quite likely it could be returned this afternoon or tomorrow morning.

Mr. PRESIDENT. If it cannot be returned by tomorrow morning I doubt if it would be wise to have it printed at all.

Mr. HOYT. I suggest that it might be well to put the motion in this form: That it be referred to the committee on printing, and returned tomorrow morning whether printed or not. We would then have it before us for our consideration even if it was not printed.

Mr. PRESIDENT. Under the rules, after reference to the printing committee the matter lays upon the table until after being printed, and then comes up in the regular order.

Mr. HAY. I move to amend the motion to print, that it be referred with instructions to return it to the convention tomorrow morning. That would bring it back here and it would then take its course.

Mr. PRESIDENT. The motion is that this file be referred to the printing committee, with instructions to return it tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the file is so referred.

Mr. IRVINE. Mr. Barrow desires that I should ask that he be excused from day to day.

Mr. FOX. In case Mr. Barrow don't intend to return, I think it unwise to excuse him from day to day, and I ask that he hand in his resignation so that we can keep a quorum.

Mr. CAMPBELL. I move his name be dropped from the roll if his resignation is not sent in.

Mr. PRESIDENT. The question is upon the motion to excuse Mr. Barrow from day to day by unanimous consent or by a motion carried by a majority of the convention.

Mr. HAY. I would like to ask whether there is any probability of Mr. Barrow's returning at all or not.

Mr. IRVINE. I will be frank and say that the chances are that Mr. Barrow will probably not return, but I am not sure that he will not be back.

Mr. PRESIDENT. The chair would suggest that it would be wise to amend and excuse Mr. Barrow for the day.

Mr. IRVINE. The suggestion is a good one, and we will carry it out if we cannot do any better, but Mr. Barrow, if he had thought there would be any objection, would have been here, but it has been universally the rule to excuse members from day to day, and Mr. Barrow being away and cannot speak for himself, it is only right that he should have the same treatment as other members.

Mr. HAY. It strikes me the case is different now. While I regret the absence of Mr. Barrow, and desire to treat him the same as the other members, still we must be very careful, and not continue to excuse members until we are without a quorum.

Mr. PRESIDENT. I will state to the convention at this time in order that there may be no misunderstanding hereafter, that it is the opinion of the chair that it does lie within the power of this convention by way of excusing its members, to destroy itself. The chair will hold hereafter that where excusing a member seems to have a tendency to destroy the convention, the chair will hold under the rules that no motion to excuse can be ascertained, and it will take three-fourths majority to carry such a proposition. Now as to this matter, it does not seem to me that we have reached that point exactly where excusing a single member will destroy the convention or its efficiency, and I am not called upon to make that ruling at this time. But I will so rule in the future when excuses are demanded. We must preserve ourselves from destruction, that is one of our first duties.

Mr. BURRITT. I desire to say in explanation of my position in this matter that in three or four cases members have stood here and asked to be excused by reason of important business, and who are now enjoying themselves on a pleasure jaunt. I think they have acted in bad faith toward this convention, and in future I don't propose to vote to excuse any member on important business unless I know how important that business.

Mr. IRVINE. In behalf of Mr. Barrow I desire to say that he is not away on a pleasure jaunt; his business is really suffering because of his absence. The last issue of his paper was so badly printed it could hardly be read, and he is very anxious about it, and it was really necessary that he should go and attend to it.

Mr. PRESIDENT. The question is on the motion to excuse Mr. Barrow from day to day. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the convention refuses to excuse Mr. Barrow from day to day.

Mr. IRVINE. I move that Mr. Barrow be excused for today.

Mr. PRESIDENT. Is there objection to Mr. Barrow being excused for the day? The chair hears none; Mr. Barrow is excused for the day.

Mr. SMITH. On behalf of Mr. Burdick I desire to ask that he be excused. Mr. Burdick has been here every day during the convention, and it is absolutely necessary that he go home.

He will be back just as quick as he can, not later than Wednesday at the latest, and I trust he will be excused without putting it to a vote.

Mr. BURRITT. I desire to say on behalf of Mr. Burdick that I know the business which called him home, and if I had been in his place I should have gone whether I was excused or not.

Mr. PRESIDENT. The question is on the motion to excuse Mr. Burdick. Is there any objection to excusing Mr. Burdick for the day? The chair hears none. By unanimous consent Mr. Burdick is excused.

Mr. JOHNSTON. I desire to offer a resolution now and have it take the usual course. "Resolved, That it is the sense of this convention that the effort being made to establish a deep water harbor on the Texas coast has our approbation, and that our representative at Washington be requested to use his best endeavors to secure the building of such harbor."

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. The resolution will lay upon the table to come up in its regular order, unless the rules be suspended for its immediate consideration.

Mr. JOHNSTON. I move that the rules be suspended for the purpose of considering this.

Mr. PRESIDENT. The chair would suggest that it has occurred to me that possibly a fuller statement of the situation might be agreeable to the convention, and agreeable to the gentleman himself who has hastily prepared this resolution, and if the convention take that view of it, it might be well to have it referred and reported back this afternoon.

Mr. JOHNSTON. I wish to have the resolution referred to the committee on irrigation, and have them consider it at once and return it this afternoon.

Mr. PRESIDENT. Is there objection to the resolution offered by the gentleman from Laramie being referred to the committee on irrigation, with the understanding that they will report by the afternoon session. The chair hears no objection; the resolution is so referred by unanimous consent. We have before us the report of Committee No. 17. What is your pleasure, gentlemen?

Mr. ELLIOTT. I move the report be adopted. The committee had authority to act in the premises, and the report is simply an indication that they have so acted, I take it.

Mr. PRESIDENT. If the gentleman thinks it necessary to take any action it can be done.

Mr. ELLIOTT. I simply thought it might be better for the convention to prove the report, showing that they have acted within the line of their power.

Mr PRESIDENT. The question is upon the approval of your committee in letting a contract to the Bristol & Knabe

Printing company on the conditions named in the report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the action of the committee is approved. Gentlemen, there is no further business for disposition upon the table this morning, and we are now ready to go into committee of the whole upon the general file and special order of Saturday night, which was not completed.

Mr. BURRITT. I move we go into committee of the whole for consideration of the special order and general file.

Mr. PRESIDENT. Gentlemen, you have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Hay take the chair?

Mr. HAY. I would rather be excused.

Mr. PRESIDENT. Will Mr. Riner take the chair? We are now in committee of the whole, Mr. Riner, of Laramie, in the chair.

Mr. CHAIRMAN. Gentlemen of the convention, we were considering the report of Committee No. 6. What is the pleasure of the committee? I would ask here if the committee of the whole did not report that back with the recommendation that it be adopted. I am not certain about it.

Mr. IRVINE. It did.

Mr. CHAIRMAN. My recollection of the business was this. We had the reports of the legislative committees as well as the reports on apportionment. The apportionment matter was disposed of by the committee, and the legislative matter was yet under consideration. The majority report of No. 6 was adopted, relating to the apportionment. The legislative reports are now before the committee. The secretary will read the majority and minority reports of Committee No. 2.

(Reading of the reports of Committee No. 2.)

Gentlemen, you have heard the reading of the reports, what is your pleasure?

Mr. BROWN. I wish to make an amendment to the first section of the majority report, by striking out the words "fourteen hundred" where they appear and inserting "twelve hundred." I do that because a majority seem to think that the unit of twelve hundred in this apportionment matter is the better one to be adopted. I don't agree with them myself, but I make this motion to meet the apparent wish of the majority.

Mr. ELLIOTT. I do not wish this convention to think that the fact of my signing my name to this report, indicates that I have changed in any way my original views upon this question. I considered that the convention had sent back this report to the committee with instructions to frame a section upon that line which the convention had indicated. I want to call the attention of the convention at this time to the fact that it was stated and by the gentleman who offered this substitute in the first place, that it made no difference as to what number you divided by. The unit twelve hundred was an accident, so to speak. It had been fixed upon merely by chance, and with no intention of benefitting Laramie county. I simply wish to show to this convention that it was not an accident, and will proceed to take the unit fourteen hundred and take the proposition they submit of an additional member where the remainder exceeds two-thirds, and see where it left them. By taking the unit fourteen hundred Laramie, Albany and Carbon counties get but two each, and you can see whether the unit twelve hundred was an accident.

Mr. HAY. I want to say that the number was not taken as an accident, if he refers to me. I said I took the number twelve hundred simply because you can use it in a great many ways, and I don't think any action that this convention has taken since that time has shown that any better number can be taken. It was not an accident at all.

Mr. FOX. I have got this figured out so I think it will be more satisfactory to everybody, and if in order, I move that the report be amended. I desire to submit this proposition.

Mr. CHAIRMAN. The motion before the house is on the report of Legislative Committee No. 2, that whereever the words "fourteen hundred" appear they be stricken out and "twelve hundred" inserted in lieu thereof. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BROWN. I move to further amend that section. Strike out "thirteen" and insert "sixteen" and strike out "twenty-eight" and insert "thirty-two."

Mr. POTTER. I should think that thirty-three would be better.

Mr. BROWN. I accept the amendment.

Mr. CHAIRMAN. Gentlemen, you have heard the motion of the gentleman from Laramie to strike out twenty-eight and insert thirty-three and strike out thirteen and insert sixteen. Are you ready for the question?

Mr. BAXTER. I am entirely prepared to support that motion, though I think the one I have in mind will be more satisfactory, and I would like to state it to the committee in order to see what they think of it. Instead of taking six hundred, that five hundred should be taken, and one member for a fraction of three hundred or more. The lower house would be apportioned as follows, and would consist of thirty-five members: Albany county with twenty-six hundred and eight would have five members and an overplus of one hundred and eight.

Converse county with thirteen hundred and seven would have two and an overplus of three hundred and seven, which would entitle it to a third member, three in all.

Carbon county with twenty-six hundred and thirty-three would have five members and an overplus of one hundred and thirty-three.

Crook county with eleven hundred and fifty, two members and one hundred and fifty over.

Fremont county with ten hundred and forty-seven, would have two and an overplus of forty-seven.

Johnson county with nine hundred and six would have two, only lacking eighty-four of the second five hundred.

Laramie with thirty-six hundred and ninety-five would have seven, and an overplus of one hundred and ninety-five.

Sheridan, with eight hundred and seventy, would have two, lacking but one hundred and thirty of the second five hundred.

Uinta with two thousand and twenty-eight would have four members, and an overplus of thirty-seven. You will notice that the overplus in the larger counties is smaller, and that the counties of smaller population have the benefit of the fractional representation. It seems to me that this is probably as fair a plan as we can devise. If the house thinks so I move to amend the motion, in order that the basis of representation in the lower house may be five hundred, and one representative to every three hundred or more over and above five hundred. According to this the three additional members will go to Uinta, Johnson and Sheridan. I want to say right here that I have never entertained, or sympathized with any feeling of hostility, towards the other portions of the territory, simply because I am a resident of Laramie county, and I desire to give every district in the territory just recognition in this apportionment. I do not think thirty-five will be too large for the lower house.

Mr. HARVEY. Second the motion.

Mr. FOX. Before the vote is taken on that I desire to submit my proposition. I think six hundred is better than five hundred, and I think thirty-three will cover the ground. My arrangement is as follows:

Albany, two in the senate and five in the house, minus one hundred and eighty-four.

Carbon, two in the senate and five in the house, minus one hundred and thirty-four.

Converse, one in the senate and three in the house, Converse having three hundred and eighty-six over.

Crook, one in the senate and three in the house, having three hundred over.

Fremont, one in the senate and two in the house, having three hundred and six over.

Johnson, one and two, having five hundred and eighty-six over.

Laramie, three senators and six representatives.

Sheridan, one senator and two representatives, having six hundred and sixty over.

Sweetwater, two senators and two representatives, minus one hundred and six.

Uinta, two senators and three representatives, minus one hundred and twenty-six.

That makes it as even as it can be made, sixteen senators and thirty-three representatives.

Mr. PRESIDENT. The question is on the amendment of Mr. Baxter to strike out thirty-three and insert thirty-five. Are you ready for the question?

Mr. HAY. In discussing the question of a fair apportionment, I think the members of the convention have lost sight to some extent of the great increase we are making over the legislative assembly of the territory, and I think that about twenty-four is all we need, or at least we can get along with making an increase of five per cent, and even this is going to make a considerable increase in the expense, and there is no necessity for it whatever. We can get along with a much less number in the house, and I don't see why we need increase it in order to make it fair. We started out with twenty-eight and have got to thirty-five already, an increase of twenty-five per cent, and if the thing goes on I don't know where we will stop. A legislature of over fifty members, that is a very large increase over the present condition of things, and I don't think statehood is going to make that large increase necessary, and I don't want this convention to lose sight of the large increase in the expense that it is going to make. I think we can be just as fair with thirty as with thirty-five.

Mr. BROWN. I am opposed to the increase to thirty-five, as also I will be opposed to the use of five hundred as a unit instead of six hundred. The fact is, I am opposed to this whole scheme, to an apportionment upon votes. My honest conviction is that it is placing a premium upon rascality, or holding out an inducement to rascality. Whenever you say that you will apportion your representation upon the basis of votes, then you are saying to every county in the state, run up your vote as high as you can in order to get a large representation, and in that way you are holding out an inducement to fraudulent voting, and that has been practiced in my judgment in some of the counties to quite a large extent, and with the view in particular of increasing their representation. Now as a system I believe it to be wrong, but I am acting in this matter in deference to the action of the majority on the floor of this convention, and I proposed this amendment of changing this from fourteen hundred to twelve hundred not because as a matter of judgment I preferred it, but because the majority seemed to favor that proposition, and inasmuch as they did, I was willing to concede that much in the interest of harmony. Now this proposed amendment to change from six hundred to five hundred, and to increase the number to thirty-five instead of thirty-three, I am opposed to that change in toto. My own idea was, and I made the motion simply to aid what I believed to be a wise thing, and a wise amendment on the part of this convention, to give to two of these northern counties an additional representative in order that they might not think that the people who reside along the line of the railroad were trying to take an unfair advantage of the northern part of the territory and in order that we might take away from these people who reside in the northern part of the territory this argument against statehood, that the southern part of the territory is unjust in its apportionment, and we may therefore conclude that they seek to establish statehood in order to take advantage of us in the future and we will oppose statehood on that ground. I say now in order to take away that argument that may be used in the north against us, I so proposed to increase this to thirty-two, in my judgment as far as it ought be increased, and I think those two ought to go to Sheridan and Johnson counties, if added, but a claim has been made in behalf of Converse county, for a third one, and so far as I am concerned I am willing to accept it, but when we undertake to increase the representation of the counties along the line of the railroad, beyond what it already stands, I am entirely opposed to that, and to any such increase. If we want to be generous, if we want to give these northern counties an additional representative out of our generosity, and show them that we mean to be fair towards them, let us give it to them, but don't ask for anything more on the line of the Union Pacific, we have got enough.

Mr. POTTER. While I think we want to keep the number as low as possible, I should prefer thirty-three to thirty-two, because I think on the same principle that Judge Brown has suggested, in his argument in favor of an increase in the northern counties representation, you ought to give Converse county another representative. It is the only county in the territory that as a county represents the central part of the territory, it belongs neither to the north or the south. Sheridan and Johnson we may call northern counties, but Converse represents the central portion of the territory, and so it seems to me it will be better to have thirty-three instead of thirty-two.

Mr. ELLIOTT. I don't know whether I am speaking only for myself, or for the remainder of Johnson county. I have not discussed this with them, and I have not done so, designedly. I think that this is a matter upon which we must each and every one of us use our own judgment, and I did not wish to force my ideas upon them. I say at this time that I do not know what stand they will take in regard to this matter. I wish to say to the gentleman from Albany that as one of the representatives of Johnson county, that I fully appreciate his action in this convention, his generosity in this convention, and the kindly spirit that he has shown toward the northern portions of this territory, and it was for that reason that the delegates gave him their votes as permanent president of this convention. Now, sir, in examining this proposed apportionment, we find that Johnson county is given an extra member of the house, and Sheridan an extra member of the house. Why? Because we are entitled to it? No. The very figures themselves show we are not entitled to it, it is thrown to us as a sop. It is to quiet us; to keep us still. Now I say, Mr. President, for myself and for the people of my county, so far as I know their feelings on this matter, that they cannot and will not accept any proposition that perpetuates the legislature of the territory of Wyoming in the manner and form in which it has been organized in past years. It is simply expecting them to rivet upon their necks permanently a yoke the temporary wearing of which has galled them so bitterly. I say here in the presence of this convention, that no proposition will be acceptable to the people of northern Wyoming that does not remove in some way the balance of power from where it now stands. We do not ask, sir, that it be thrown to us, that would be unjust, unreasonable, but we have got the right to judge of the future by the past, what we know of the past and of the present, and I say to you that the constitution of the legislature of Wyoming upon the same basis that it has been constituted or virtually the same basis, cannot, to our minds, bring us anything but wrong and oppression. Now the proposition that we offered here was going to do us absolute justice, we have asked for but one senator, asked but for one representative, but we ask that the senate shall be constituted in such manner as to protect us from the larger body. I say, sir, is it a fair and honest and just proposition, and I say therefore for myself, as far as I am concerned, that I cannot in justice to myself and to my people, support any proposition which leaves it possible for the four Union Pacific counties to control the state of Wyoming.

Mr. McCANDLISH. It has always been a policy of mine all my life if I can't get what I want to take all I can get, and on this question I have felt that very way, and if we can get two let us get them.

Mr. BURRITT. I endorse both the sentiments of Mr. McCandlish and also Mr. Elliott. I had not intended to express my opinion with reference to this at all, but I have heard so much and seen so much I am constrained to explain my position. I believe, like Mr. McCandlish, that Johnson county should have two, if they can get them, and I am in favor of taking these if we can get them. I don't care for what purpose they are thrown at us, whether as a sop or otherwise, but if we can get two members in the house and we cannot do any better, then I say take these two. On the other hand I don't think it will make any difference with the position that the people of my county will take in reference to statehood, whether we get one or two or three. I believe that the whole theory is wrong, and I rise, sir, to make an explanation of my position. From both political parties and almost every county in the territory on the line of the Union Pacific, during this convention, members of this convention, delegates from those counties, have stood up here on this floor and confessed that the vote upon which you now undertake to apportion the representation in the house and senate was a fraudulent and illegal vote. Now, sir, how shall you go to the people of this territory with any basis of representation that is based upon a fraud and a confessed fraud? Men have stood up here and confessed from time to time that it was fraudulent. When we had the educational qualification up, they got up here like men and confessed it as the honest men that they are. Now the basis of the figures upon which we are to divide this should be population and not upon fraudulent votes. I am perfectly willing, sir, that this convention should send the Johnson county delegates back, and the Sheridan county delegates back, with the confession in writing upon your journals, that because Johnson and Sheridan counties were honest, because Johnson and Sheridan counties had no railroad trains to run voters in to increase their vote, because they have no mines and corporate interests to vote illegal voters, they shall be condemned to wear the same galling yoke to which Mr. Elliott has referred, and which, sir, the people of Wyoming know they are wearing. The people of southern Wyoming know we are wearing it, because you have stood up here and confessed it. There was but one thing that could have been done by this convention which would have shown your good faith, and that was the proposition which was introduced here and so eloquently defended by the gentleman from Albany, organizing one branch of the legislature, so these counties in the north could have an equal show, and you have denied us that, and there is nothing that you can do, nothing that you can give us upon the basis of this illegal and fraudulent vote that will change the balance of power, but still, as Mr. McCandlish says, if we cannot get a whole loaf then I am willing to take a half loaf. I bow in submission to the will of the people, and I say, sir, that the disposition of this convention and the confessions heard from every delegation on the line of the Union Pacific road, too plainly shows that the southern part of Wyoming is not ready to release its grasp upon the throat of northern Wyoming. I may add further, sir, that perhaps these chickens will come home to roost, and they will remember this.

Mr. HOYT. If I vote for this proposition it will not be on the grounds which have been announced here, it will not be as a sop to any portion of this territory, it will not be as a means to secure statehood, but it will be because I thought I saw, and I announced this the other evening, that there was justice in giving to that portion of the territory which is rapidly developing, and which in the nature of things is going to have a more rapid growth than ever before known, giving to it in our apportionment what we believe it will be entitled to when it comes to have representation on the floor, and I simply rise to reiterate that sentiment that we are not here to give a sop to anybody to obtain statehood, but simply to give it to them on the ground of justice. I too, sir, was in favor of the system proposed for the distribution of the members of the senate, I saw many good reasons for it, enough to decide me to vote on that side, to throw what influence I might have in favor of the constitution of that body in a manner different from the other body, to help support the scale of justice.

Mr. PRESTON. I fully support and endorse everything that has been said by Mr. Elliott and by Mr. Burritt on the question of apportionment. Now I cannot see what right there is, nor what good can be done, by giving to Sheridan and Johnson counties an extra representative in the lower house simply to get the delegates from that portion of the territory to vote for the proposition that has been submitted to this committee. A proposition was submitted to this convention a few days ago, by a majority of the legislative committee asking that each and every county in the territory have an equal representation on the floor of the senate. In other words, that every county in the territory should have but one senator. Some gentlemen who have advocated the giving of an extra representative in the house to Sheridan and Johnson counties, held that it was not right that the people of Wyoming territory, that the different counties of the territory of Wyoming, or the state of Wyoming, should be represented in accordance with its voters. I want to say to you, gentlemen of the convention, that I believe and there are other members who believe that the representation that we asked for in the senate was only justice and right, and I want to say on behalf of Fremont county, this morning in the convention, that there is nothing that you can concede so far as the lower house is concerned, to the northern portion of the territory that will right the wrong done us in denying the representation that we have asked for in the senate. Simply giving an extra member of the house to Johnson and Sheridan counties, does not in any way place them on the same footing and in the same position that they would have had, had the representation been accorded them on the senate floor as asked for. If you are so interested in the northern part of this territory, if you are so interested in their welfare, if you are so interested that they shall have some say in the administration of the affairs of the state of Wyoming, then why have you denied them the only thing they have asked for at the hands of this convention?

Mr. BAXTER. I heard the other day in one of our sessions the proposition discussed to make the representation equal in the state senate, and I have talked with a great many friends upon the proposition, and I have listened to all kinds of argument upon the subject, and from the beginning, and all through the discussions I have heard on this matter I have been invariably opposed to such a proposition, and I have been so opposed upon the ground of conviction, and I am still so. I believe I have cast an honest vote upon every proposition that has come before us for consideration, and I want to continue to do so; and what the gentleman alleges is a great wrong to the northern counties, strikes me is not a wrong at all. I fail to see where there can be any wrong in it. They ask for something that will correct an evil which we have all seen in the past, but which cannot be conceded without surrendering the rights of the people in other parts of the territory. It seems to me that a proposition for equality of representation that has been adopted during a century of national life, during the existence of this republican form of government in this country, is good enough for the state of Wyoming. Why is it that the people in one section should be practically disfranchised in one branch of the legislature in order that we may, or think we may, correct an evil? How claim that the evil will be corrected? I am as well aware as any one is that honest, square legislation has not been possible in the past because of the large representation compared with others, but would this do away with such things in the future? It seems to me that if the first senate shall consist of one member from each county it is only a matter that they shall agree upon among themselves. That one man can be satisfied in taking so much from the public treasury to vote for a measure, provided another is permitted to take so much for his pet scheme, and the same disgraceful state of affairs we have seen in the past may be seen in the future. There is no guarantee that we shall not have the same state of affairs in the future as in the past. I am free to say to this convention that I used every possible means I had in the last legislature to prevent the general grab-that was participated in in the completion of public works in this territory at that time. I never come into this beautiful building that I don't see the unnecessary expenditure of the many thousands of dollars appropriated for the building of these wings, although I admit that the work has been done as well as we could do it, and much as I admire it, but I claimed at the time that the main portion of the building as it then stood was all that we needed for ten years to come, and in my judgment there was no reason why it should be completed. It was completed simply by the fear of Laramie county that unless they got the money at that time, there was some danger of their never getting it at all, and because they believed it a matter of personal necessity at that time. And I opposed the appropriation for the penitentiary at Rawlins, simply because I thought we had no need of two jails. It will cost us twice as much to take care of our convicts as it costs under the present system. The only legitimate appropriation made in that general grab was the appropriation made for the university at Laramie City. The former appropriation had only been sufficient for them to commence with, and they ought to have had it, but we had no use for these aditional wings to this capitol, we had no use for the penitentiary at Rawlins, we had no use for the insane asylum at Evanston. We had a few of those unfortunates among us, but they could be well taken care of without the erection of this asylum, and at much less expense. I have never seen the deaf and dumb asylum, and I have never seen the poor farm at Lander, and I say we had no use for them, but in order to reward these counties, in order to reconcile them to this general grab from the treasury, these things were given to them. But that is past, but we don't want that in the future, but it cannot be provided against in the manner urged on this floor. I agree with what has been said upon the question of representation upon the population instead of votes, and I should prefer to make this apportionment upon the population instead of votes if we could get at what the population is, but we don't know what it is, and it seems to me that the vote is as near as we can get to it. The amendment which I introduced here I did not introduce with the idea of throwing a sop to anybody. I was convinced when this matter was brought up before the committee the other day that it was unjust, and I so expressed myself at the time, and my idea was that Johnson and Sheridan counties should have a joint representative for their surplus, and Carbon and Albany should have a joint representative for their overplus, and I still think that that would be as fair as we can arrange it possibly, although I don't think that joint representatives are as effective as they ought to be. They are apt to represent the county from which they come, rather than the district which they represent. But my idea was simply this, to get at as near as possible some basis of representation that should be as fair as we could make it, and taking the basis of five hundred we would have the three counties that are minus a sufficient number to entitle them to a full representation upon the floor, the counties of Johnson, Sheridan and Converse. Converse is one hundred and ninety-three short of the full number to entitle her to a third member in the house, Johnson county is but eighty-four short to entitle her to a second member in the house, and Sheridan county is one hundred and thirty short of the full number to entitle her to two representatives, and I believe the figures I have already given here will give us as fair an aportionment as we can possibly have.

Mr. CAMPBELL. I am in favor of this increase. I don't think that you can make a legislature too large, and I am in favor of as large an increase in the members of the legislature as we can make it and for this reason: The history of this country shows, especially this western country, that where the prize of a United States senatorship is at stake large amounts of money are spent, first in the election of members, and afterwards in buying them up, the members of the legislature, and I believe in making it as dear as possible when the prize is great. I believe the only way we can remedy this evil is to increase the number of the legislature and make it as high as possible. In Colorado we know the amount of money that has been spent there in the election of members of the lower and upper house for getting control to send certain persons to the United States senate, and in some of the other western states we know what has been done in this respect, and I believe the only way we can remedy this matter is to make the legislature as large as possible, consistent with our means of paying the expenses of a large representative body. As to where these conditional members should go, that is another matter.

Mr. TESCHEMACHER. I would like to bring this convention back to the subject before them. The majority report of the committee on apportionment has been adopted. There were four sections in that majority report, but the members of this convention don't seem to have heard but one, and that was the fourth section, and all the others went in one ear and out of the other. The apportionment report which has been adopted provided that the legislature shall be apportioned on the census of 1890, and provides for another apportionment to be made by this state in 1895. The fourth section provides for a special legislature and that legislature is the first one to be called after we are admitted. Now that one special legislature is the only one that is to be apportioned by this convention, because the report says that thereafter the legislature shall apportion it in conformity with the population of the state of Wyoming, as shown by its census. Now I feel this way about the objection made by my friend, Mr. Burritt, from Johnson county. If the southern part of Wyoming is going to hold its grip on the throat of northern Wyoming, they will only do it because the southern counties will be the more populous counties, they will have the bigger population and will naturally have the larger influence. But if this is not the case, and the increase is going to come in central and northern Wyoming we will have one last grip this time, and then we will have to let go. We may have our hands on their neck just one more hundred days, and during those hundred days we will grab the north and grab it hard perhaps, but I don't think that we will do all the grabbing, and it will not be long before the north will have a grab at our throat. Now if you will simply come down to the question before this committee, it is simply this: The committee decided the other day that there should be thirty members in the house and now if you change this report of the legislative committee as suggested here, you will have the report of the apportionment committee fixing the number at sixteen and thirty and the report of the legislative committee fixing the number at sixteen and thirty-five or thirty-three, whichever of the amendments carries, and you will then have to go to work to make these reports conform. I am willing to accept thirty-five, as I am in favor of a large legislative body, but if you will come right down to the question before us, all we have got to do is to fix the number of this legislative assembly. That is all this convention has to do.

Mr. BROWN. I wish to say one word in explanation if I have been misunderstood. My idea was not to throw a sop to the northern counties. Nor did I think that it would do exact justice to the northern counies, but as I believed this convention had denied them exact justice, I was in favor of doing the best that we could under the circumstances. That is all, to approach justice in some degree, and it seemed to me that this move to fix the number at thirty-three in the first legislature was at least approaching justice for the north, and therefore I favored that number, but I am opposed to thirty-five, because it is increasing our membership in the south over our fair proportion. I am simply expressing my own sentiments upon the question, and right here I want to say that I think that no one has heard me accuse any member of this convention of acting under improper motives at any time. If I ever have I have to beg the pardon of every member in it. I have never so understood myself as expressing such words. I have always believed that every member was acting upon their best judgment as to the proper method of arriving at what is right. I claim that for myself, and I freely accord to every other man in the convention just what I claim for myself. We may differ in our opinion upon all these questions but let us never say that because we differ in opinion with each other that we are actuated by improper motives. I do not like that idea at all. Now as to this number thirty-three. I certainly hope that it will be fixed at that instead of thirty-five.

Mr. CHAIRMAN. The question is on the amendment.

Mr. HAY. I would like to vote for one part and not for the other. I would ask the gentleman to make a division of his motion.

Mr. COFFEEN. Some of the members thought that I had a little more than my share of the discussion the other night, and you know how it came about and what a rush there was to crowd this to a vote, and I did what I could to prevent it. The arguments I made at that time have not been answered; and will not be. I wish to simply call your attention to a few things concerning the situation as it stands at present, without any amendment being made. It has been conceded and agreed by a majority of this convention, on a former occasion, that every county should have a representative in the senate, and therefore no argument should be drawn from the apportionment of the senate to bear upon the house, for as a matter of principle we have agreed that every county should have one senator and that as a matter of right, and not as a compromise. Let us look at the situation as it stands now. On the adoption of the majority report, we have thirty representatives, and sixteen senators. And the amount of it is just this, that the four counties on this railroad here will have twenty-two members in the house against eight in the outside counties, which is equal to saying that the outside counties away from this railroad shall have no chance whatever. And again, in the senate, the situation is this, they have eleven in these railroad counties, their representation controls the senate absolutely, and only five outside of it, as I say more than one-half, again. You don't have to use the slightest effort to carry every point. They are absolutely under your control. But let us look at the northern counties. Johnson county has nine hundred and sixteen votes, and she has one member in the house as it now stands. Four times that nine hundred and sixteen makes three thousand six hundred and sixty four, a little less than the vote of Laramie county, which should entitle her on the same basis to four representatives, and you have given her six. Then take Albany county, three times Johnson county's vote, gives you twenty-seven hundred and forty-eight, a trifle more than the vote of Albany county, so you will see that Albany county is entitled to three to Johnson county's one, but you give her five to one. Take Carbon county, three times Johnson county, is twenty-seven hundred and forty-eight, so that on this ratio Carbon county has a little more than to entitle her to three, but you have given her five to Johnson county's one again. These are the considerations the people will look into, they will look into these figures, and I plead with you to make an examination of these facts. The same comparison will hold good in Sheridan county, as compared to these with a slight change. Three times Sheridan's vote is twenty-six hundred and ten, which will correspond to Albany and Carbon county's vote, so they would be entitled to three, and you have given them five, and the same applies to Laramie county on this basis she would be entitled to four, and she has six.

Mr. HOLDEN. I had thought this morning that I would not allow myself to make a speech. I did not feel disposed to enter this free for all. It appears to me that the greater part of this discussion has been a sort of general expression of the views entertained by various members in relation to this matter of apportionment, without being directed particularly to the question now before the house, and I feel disposed to follow the lead of the rest of the members present with reference to this matter. This is the first time that I have said anything on this floor with reference to this important matter of apportionment, or with reference to the basis, or the constitution of the legislature of this state. My own view with reference to this matter is that while the house of representatives should be based upon the representation of the population of the state, that the senate ought not to be. For this reason. It seems to me that the only object, the only reason that we can offer why we should have a senate is because we ought to have some check upon hasty legislation. To illustrate my idea. Your waiter brings you a hot cup of tea; he also brings you a saucer. You have use for the saucer for the purpose of cooling the beverage, in order that it may be subjected to your use without injury to yourself. Now that is the view that I take of the use of the senate. It is simply intended to serve as a check to hasty legislation, to cool it off, if you will allow me to use that expression. I have not heard any reason offered by members who are opposed to this, why that should not be the case, but the convention by its vote said that they are not willing to accept that plan. Now I feel disposed to quarrel with them, but I have no disposition whatever to impugn the motive of any member. I believe that every member here is desirous of doing that which shall redound to the greatest possible good of the state of Wyoming. Now if I cannot get what I want, I am willing, like my friend from Johnson county, to take the next best thing. Therefore I prefer the amendment suggested by Judge Brown, because I believe it comes more nearly to being fair in this matter, and I object to the increase to thirty-five, because I think we had better make it thirty-three, I think it is the better number.

Mr. JEFFREY. I don't rise because I have much to say on this subject, but I merely wish to say that I think that this question has been discussed and argued from every possible standpoint, and unless the members present are prepared to vote upon this question, I am very much mistaken. I presume that they have figured it out for themselves, and I therefore think that if we are to proceed to a vote upon this question we might as well do so now, without any further delay in the matter.

Mr. CHAIRMAN. The question is on the amendment. All those in favor of the amendment will say aye; contrary no. The chair is in doubt. All those in favor of the amendment will rise and stand until counted—12. Those opposed will rise —19. The amendment is lost. The question is now on the amendment of Mr. Fox, to strike out the word twenty-eight and insert thirty-three. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HARVEY. I now move that the report of the committee be so amended as to take up that portion which refers to the senate, and incorporate the original report of the majority of the legislative committee, going back to the one senator idea.

Mr. PRESTON. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the sections of this file be so amended that the sections referring to the senate be stricken out, and the third section of the original majority report of the legislative committee be inserted in lieu thereof.

Mr. PRESTON. I move that during the discussion of this question that lobbyists be kept off the floor of the house.

Mr. CHAIRMAN. The gentlemen will keep off the floor of the house.

Mr. HARVEY. I introduced this amendment in perfect good faith, for I have listened with a good deal of interest to all that has been said and the arguments by the gentleman from Laramie county have convinced me more strongly than ever of the justice and wisdom of this. The argument this morning has shown beyond question that the majority has disregarded utterly the rights of the minority in the past. They say we have got all we want. We have got our state house, now number two, we will give you the same privilege we had, plunder until you get away with all you want. You as a majority, honorable enough in every sense as individuals, but as a majority, confessedly you have plundered this territory. Now I propose to see that the minority are represented. This question needs no argument. You have given away your own case. This principle is right, and I think this house will concede the justice and wisdom of the policy.

Mr. MORGAN. I think that the gentleman has entirely misunderstood the position of the Laramie county delegation. Their position was that the apportionment should be upon the basis of the inhabitants of the county, that each man in every county was entitled to his equal share of representation and that in adopting the one senator idea it would deprive me of an equal representation in making the laws of my country, as compared with some other man in some other county. And so far as the majority is concerned it is more than probable that the largest number of the legislature will come from some of the northern counties in a very short time. I believe that within a few years the north will increase much more than any other portion of the territory.

Mr. POTTER. I think there is another question to be considered here. I believe the gentleman from Converse county acted in entirely good faith, but after all is it perfectly fair to bring this matter up now? This matter has already been acted upon, and several members of this body who voted upon this matter have gone away, with the understanding that it was settled, and did not expect it would be brought up again, and it seems to me that it is hardly fair to bring this up at this time.

Mr. BURRITT. Is a matter ever settled until it gets before the convention for a vote?

Mr. BAXTER. As this matter has been brought up, I want to say a word. I am opposed to the adoption of this amendment, and I am opposed to it because I don't believe it is right in principle or right in any other way that you can look at it. The only reason that I can conceive for such a proposition being submitted for the consideration of this convention is because of the fact that the senate of the United States is so composed, but there is absolutely no parellel between the two cases. The United States senate represents the equality of the states, and while we know that now the states do not bear the same relations as they were intended to a hundred years ago, we know what their relations were as well as we know of our own existence. The result of the revolution was not the creation of one nation, but of thirteen sovereign, independent states, and not states in the sense we use the term today, but in the sense that they were sovereignties, and took their position before all the powers as independent and sovereign nations. The states were jealous of each other, but they felt the necessity of some general government. They framed the constitution of the United States, and was it not on the express condition that there should be equal representation in some body of its legislature that that was done. That the smallest and most insignificant of the sovereign states claimed equal representation in the senate of the United States. The question of population or industrial development cuts no figure whatever, when you put two sovereignities together. The states demanded equal representation in one of the legislative bodies,, and would not enter into the union unless that was done, and it was for that reason that the senate of the United States was constituted as it is. But now as to the counties in the territory. Do they claim sovereignty? Is a man a citizen of a county? I surely propose to be a citizen of the state of Wyoming. My home may be in Laramie county or in some other county, but I am a citizen of the state, and the people of the state are entitled to representation. It so happens, since my residence in Wyoming my property has been mostly in the county of Fremont, and I have gone there year after year to look after my private matters, and I have as many friends there as I have in any other part of the territory. For the past two years I have had interests in Johnson county and I go there annually to look after those interests, and I come in contact with the people of that county, and as I say I have friends in both of those counties and I have no desire to be unjust to anybody, but I want to do what is right in this matter. Suppose that hereafter annually it was demanded that the revenue should be divided, so that each county should pay an equal part, so that each county should pay just exactly the same amount as another county, no matter how great the difference as to the value of the property in the various counties should be, but that every county should contribute to the general fund such an amount as would represent the amount contributed by another. No one would entertain such a proposition as that for a moment, but it seems to me that the idea is just as consistent as that they should have an equal representation in the senate. It strikes me as a most extraordinary proposition. Now the argument has been used here that because the states have an equal representation in the senate of the United States, that the counties should have an equal representation in the senate of the state. But it has been shown here that the counties do not bear the same relation to each other as do the states of the union. A man is not a resident or citizen of any county, but he is a citizen of the state, and it seems to me that every citizen should have an equal voice, equal representation in the legislature of the state which governs them. What justice can there be in a man who lives in Johnson county, or Sheridan, or Crook county, having five or ten times the say than a man who happens to live in some other part of the state? What justice is there in that? You all ask for justice on this floor, why should I be disfranchised any more than those men who happen to live in some other part of the territory. It seems to me that you are wrong, that you are practically disfranchising in one branch of the legislature those who are unfortunate enough to have their homes in some one part of the state, in favor of those who live in another part of the state. It seems to me a most extraordinary proposition. Other states have got along for over a hundred years with the other proposition, and it seems to me it should be good enough for Wyoming, and by the proposed change you don't reach the point as I tried to explain a while ago. There has been unjust legislation in the past, and you will see it again in the future. Men will come here and continue to grab from the public treasury, and enter into all kinds of trades which shall benefit this section or that, and you will have no guarantee that the same practice will not prevail in the future as it has in the past. The probability may not be so great, but you have no assurance that it will not be done, and what you propose here is the greatest injustice upon what happens to be now the most populous portion of the territory.

Mr. HOLDEN. I stated a few minutes ago that as a matter of principle I was in favor of the one senator representation from each county, but this convention has shown by a majority vote that they were not in favor of that plan, and members who were here and participated in that discussion and cast their votes with the majority of this convention have many of them gone home, and while I am in favor of the principle, I am not in favor of bringing this matter before this house now for the reason that it would be unfair to those who have gone home. For that reason I shall vote against this amendment, and in favor of Judge Brown's amendment, because I look upon that as a compromise measure, and under the circumstances the more fair to all.

Mr. SMITH. This seems to be a day for personal explanations, sort of a love feast. I don't know as I have any explanation to make on this proposition except perhaps I might say this: That when this question was voted on before, I voted with the one senator representative system, but I did it at that time because there had been three votes during that day before they concluded that the opponents of the one senator system had a majority, but in order to be sure, that we might be in a position to reconsider, I voted with the one senator men, but I have at no time been in favor of the one senator system.

I don't believe it is fair. I believe that in making up our mind as to what to do in this convention, we should use and exercise our very best judgment, taking into consideration what the future will do in the development of the various counties. It is true that the counties along the line of the railroad, and more especially Laramie county, has had absolute control, and has exercised it with an iron rule, but if others besides Laramie county had not been willing to engage in log rolling, to take part in the deal, Laramie county would not have been able to carry through the schemes that she did, and I can say, though I say it with shame, that the members who have come to this capital in our legislature from Carbon county have been just as big thieves as those from Laramie county. They have helped job after job through. True, they did not get a part of the main steal, but the situation will change. It has been said here that in the future the center of power will be somewhere else, and then there will be a new combination, that Laramie county has got all she wanted, and it is your turn now, and she will help the other fellows now. Taking into consideration the fact that the counties north of us will grow faster than those along the line of the Union Pacific, I have felt that the basis of representation as fixed here was most fair, and I trust that amendment will not carry. As to this question of its being unfair to bring this matter up at this time, because certain members have gone home, has nothing to do with it. Because these men were here and voted and have gone away, is no reason why this should not be taken up again, and if they don't like it, it is their own fault.

Mr. COFFEEN. I don't intend to make a speech upon this subject, but in this instance I think it only just to say a word or two. I believe I have seen indications of efforts at times to make it appear that the small delegation from Sheridan was an enemy to the delegation from Laramie. It is not correct. I believe that the Laramie county delegation votes entirely according to its own judgment in this matter, for what they believe to be the best in this, as in everything else, and I believe I have many friends in that delegation, and I don't know that I have any enemies. I believe what they have done has been done on conviction, and in considering this question as I have, it is not because I have an emnity to any county whatever. All I ask is that you concede to me what I concede to every man on this floor, both now and in the past and in the future, that on every question you vote according to your judgment and conviction, and for the best interests of the whole territory. I concede that to every man, and I don't want to state it again.

Mr. HOYT. I regret being obliged to say a word on this subject, if I have spoken at all, I have spoken briefly, but I desire that my position should be distinctly understood. With me this is not a question of fairness, it is not a question of justice, not a question of enfranchisement, not a question of national representation, but it is in the broadest possible sense a question of statesmanship. A government is fundamentally established for the welfare of the people, and in the formation of a government we must always have in view the welfare of the people and how to best perpetuate it's existence. This is the broad minded basis upon which I have based my action on this question. It is not proper in my judgment to say that the equal representation of the counties in the constitution of the senate would be a disfranchisement of a portion of the people. The people of New York, with two senators, as against the state of Dakota, with two, do not feel disfranchised because they have not a larger representation in the senate. I agree with the gentleman on my right that there is an important distiction to be made between the constitution of a state senate to be formed on an equal representation of the counties of the state, and the constitution of the senate of the United States, to be formed on the equal representation of the several states, and I agree with the gentleman also as to the history of the constitution of this government. The several states were not willing to form a union unless they could form it on that basis, the smaller states I mean to say, were not willing to unite with the larger ones in the constitution of the government of the union unless they should have an equal representation in one body. I do not agree with the gentleman, however, on the point of sovereignty. A sovereignty has power inherent, and has relations with all foreign powers. It can coin money, it can have a standing army, and a navy, and determine by war, if necessary, its standing among the nations of the earth. These are the elements of sovereignty. Nothing else makes a state sovereign. The states are not sovereign, at least not in the broadest and truest sense. The question with me was and is what will best promote the welfare of Wyoming in the future? What will be for us the best form of government for all times? I have found in myself no sympathy with any combination against any locality. I believe all will agree with me that my record has shown that I have not been localized, that I am free of any local considerations here, but that I have as broadly as I am able, with such statesmanship as I can command, advocated what I believe will be the best form of government for Wyoming. What will best preserve it, what will be best for its interests, what will be the best checks upon frauds and mismanagement, what will give us the wisest legislation, what will build us up, and make us more truly to form the broadest and grandest commonwealth within the states of the union. I am satisfied that it is best for the future interests of this state that we so constitute our legislature that one branch shall be a check upon he other, and for that reason I am of the opinion that a senate composed of one and only one member from each county of the state is the best form of government.

Mr. BAXTER. The gentleman from Albany last upon the floor has not stated correctly the position which I took with reference to the sovereignty of the states. I don't desire you to think for a moment that I suppose the states are sovereign. I stated distinctly, or it was my intention to do so, that they occupy an entirely different relation from that which they did when the government was formed. When the government was formed I said they were all separate and independent, and only united because of the necessities of the situation. The constitution of the United States was drafted in 1787, and provided when nine states shall ratify it, it should be sufficient and go into operation. Nine states ratified it at one time, and provided for an election in 1788, when Washington was elected as their choice, and he qualified and assumed the office in 1789, and it was not until more than a year after Washington had ssumed the office of president that North Carolina and Rhode Island ratified the constitution and came in. They had declined to come in, and until they did ratify the constitution, they were considered as sovereign and independent states, and this is what I stated before, or at least intended to do so.

Mr. CHAIRMAN. The question is on the amendment of the gentleman from Converse, to substitute the section of the original report of the majority committee on legislation, instead of the sections in the majority report of the apportionment committee. All in favor of the amendment will say aye; contrary no. A division is called for. All in favor of the amendment will rise and stand until counted—11. Those opposed will rise—17. The motion is lost. I would call the attention of the committee to the fact that the legislative report and the report on apportionment do no agree. The number in the house has been changed from thirty to thirty-three, and the report of the apportionment committee should be reconsidered in order to make it conform.

Mr. TESCHEMACHER. I move that we now reconsider the report of that committee so as to have it changed to conform with the report of the legislative committee.

Mr. COFFEEN. I rise to a point of order. I am in favor of what the gentleman is moving for, but by the adoption of that report after we arose on Saturday night, put it beyond our reach.

Mr. MORGAN. The gentleman does not seem to understand that the question before the house is to reconsider that report. This the committee certainly can do.

Mr. IRVINE. As by the action of the committee the number of members of the house has been increased by three, has anything been decided as to where those three members shall go? I want to raise that question right here.

Mr. TESCHEMACHER. That's what we want to reconsider for.

Mr. CHAIRMAN. The question is on the motion of Mr. Teschemacher to reconsider the report of the apportionment committee, so as to make it conform to the legislative report. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. FOX. I have a proposition which I wish to submit. The apportionment as it stands now is as follows:

Albany county, two senators and five representatives.
Carbon county, two senators and five representatives.
Converse county, one senator and two representatives.
Crook county, one senator and two representatives.
Fremont county, one senator and two representatives.
Laramie county, three senators and six representatives.
Johnson county, one senator and one representative.
Sheridan county, one senator and one representative.
Sweetwater county, two senators and three representatives.
Uinta county, two senators and three representatives.

Now the way I figure it out is this. Albany county, with a population, or vote rather, of 2,608, is entitled to two senators, plus 208, and five representatives, minus 392, and the difference between her plus and minus vote is 184.

Figuring Carbon county the same way, her vote being 2,633, she is entitled to two senators plus 233, and five representatives, minus 367, the difference between her plus and minus vote being 134.

Converse, with a vote of 1,350, is entitled to one senator plus 107 votes, and to two representatives plus 107 votes, making a total plus vote for Converse of 214.

Crook county, with a vote of 1,350, is entitled to one senator plus 150, and to two representatives plus 150, making a total plusage for Crook county of 300.

Fremont county, with a vote of 1,047, has one senator minus 153, and two representatives minus 153, a total minus for Fremont of 306.

Johnson county, with 916 votes, has one senator minus 284, and one representative plus 316, giving Johnson county a plus vote of 32.

Laramie county, with a vote of 3,695, is entitled to three senators plus 95, and six representatives plus 95.

Sheridan county, with a vote of 870, has one senator minus 330, and one representative plus 270, giving Sheridan minus 60.

Uinta county, with 2,037 votes, has two senators minus 363, and three representatives plus 237, or minus 126 in Uinta county.

Sweetwater county, with a vote of 1,747, has two senators minus 653, and three representatives minus 53, a total minus of 706.

This is the way the figures stand on the present apportionment.

Now my amendment is this:

Albany county, two and five, minus 184.
Carbon county, two and five, minus 134.
Converse county, one and three, minus 386.
Crook county, one and three, minus 300.
Fremont county, one and two, minus 306.
Johnson county, one and two, minus 586.

Laramie county, three and six, comes out even, 95 plus in the house and the same in the senate.

Sheridan county, one and two, minus 660.
Sweetwater county, two and two, minus 106.
Uinta county, two and three, minus 126.

Now I think that is as fair as it can be made. I propose to give Converse county one and three, Sheridan county one and two, Johnson county one and two, and Crook county one and three. I have taken one from Sweetwater county and allowed it to Crook, as Sweetwater was allowed two and three, with a minus of 706. While I have given Crook an extra one, with only 300 minus. I think that is much more equal.

Mr. COFFEEN. I think the gentleman will excuse me, but I think he has made a mistake in his figures. I notice the vote of Crook county is only 1,150, and he has thirty-four members instead of thirty-three, an extra one.

Mr. FOX. The gentleman is mistaken, for I have taken one from Sweetwater, making thirty-three in all.

Mr. BAXTER. It seems to me we will have to do this thing all over again.

Mr. COFFEEN. It seems to me that the easiest way to get at this is to go back to the first principles, where we left off, and decide by a vote where these three extra members shall go. I think it is generally understood where they should be placed. I will make that amendment. I move that we simply declare it the sense of this convention that the extra three members shall go one to Converse county, one to Johnson county and one to Sheridan county.

Mr. TESCHEMACHER. Second the motion.

Mr. ROWN. I should like to know how this question gets here. It is a surprise to me. On Saturday the committee of the whole had this matter under consideration, fixed definitely and positively the apportionment and where the different number of representatives should be assigned, the committee reported that back to the convention. The convention ordered the approval of the report of the committee, and the report was placed in the hands of the engrossing committee, as the record will show.

Mr. TESCHEMACHER. I beg your pardon. I don't care what the record will show. I will say that the secretary never placed it in my hands.

Mr. CHAIRMAN. The record does not sustain you.

Mr. BROWN. Was not the apportionment decided upon by the committee and reported back to the convention with the recommendation that it be accepted as the final apportionment by the convention.

Mr. MORGAN. Why discuss here what the committee did or what the convention did not do? It is now half past twelve, and a number of the Laramie county delegation will have to be at court this afternoon. One member of the bench will be there for the last time, and they desire to be present. I suggest we now rise and adjourn until 3 o'clock.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Coffeen. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. MORGAN. I move when this committee arise they report back to the convention with the recommendation that the convention adopt the report of the committee fixing the number in the legislative report conforming to that in the apportionment report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BROWN. Have we conformed this bill with the apportionment file? It seems to me that we have only made them agree as to the number in the house, thirty-three, and the senate, sixteen, giving Johnson, Converse, Sheridan and Crook counties each one more each than we gave them the other day.

Mr. POTTER. In order to make them conform, I move wherever the word "vote" is used that it be made to read "population" instead.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMBPELL. I move the committee now rise and report.

Mr. CHAIRMAN. You have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise and report.

(See journal page 82.)

Mr. MORGAN. I move we now take a recess until 3 o'clock.

Mr. PRESIDENT. Gentlemen, you have heard the motion, that we now take a recess until 3 o'clock. All in favor of the motion will say aye;contrary no. The ayes have it; the convention will take a recess until 3 o'clock.

AFTERNOON SESSION.

Monday afternoon, Sept. 23,

Mr. PRESIDENT. Convention come to order.

In accordance with the request made of Committee No. 10 this morning, they have sent in their report.

The secretary will read.

(See jouranl page 83.)

Mr. PRESIDENT. What is your further pleasure, gentlemen?

Mr. TESCHEMACHER. Committee No. 19 would like to make a report.

Mr. President:

Your Committee No. 19 have revised Articles 2 and 3 of the constitution, and present them for final passage.

Mr. POTTER. I object to receiving the report at this time on this ground. It is not the proper time to bring it before the convention. We never will get through. I take it these articles have been adopted and referred to the revision committee, and they don't come back here until the whole constitution is put in form and submitted as a whole for adoption.

Mr. TESCHEMACHER. The revision committee yesterday asked permission to bring these matters in in this way, so that the enrolling could be done as each article is adopted. Otherwise, if you wait until the last day, under these rules they will all have to be enrolled before we can take any further action, and that means three or four days extra work. The rule says "the committee on revision having completed its revision as provided in the preceding rule, shall report the article or articles of the constitution of Wyoming to the convention, when it shall be fully read, and when it is thus read the question shall be on the article or articles so revised or amended, and if the same shall be in the affirmative the constitution as a whole shall be carefully enrolled under the supervision of the committee on revision and adjustment, and signed by the president and members of the convention." Consequenty the enrollment cannot be begun until these article have been adopted, and then we would have to do two or three days work and the members would have to remain here so their signatures could be attached to the document. I asked permission to present these articles in this way, and the convention decided it should be done. We have decided upon articles two and three, and that the preamble shall be Article 1, and if we can have them adopted we can have them enrolled with very little extra work.

Mr. POTTER. I construe Rule 53 entirely different and also 54. Rule 53 says: "So soon as any entire proposition for incorporation in the constitution shall have been disposed of, such proposition if agreed to by the convention shall be referred to the committee on revision and adjustment, to be by that committee embodied in the constitution." Rule 54 says "the committee on revision having completed its revision as provided in the preceding rule shall report the article or articles of the constitution." That don't mean the different articles shall be reported separately, but if the constitution shall consist of but one article then we shall adopt that one, but if more than one article is reported, if there is more than one article in the constitution, then we shall adopt them. That is the way I understand it.

Mr. TESCHEMACHER. The only question is time for the enrollment. I explained that to the convention day before yesterday. I don't know whether you were present or not. I explained that if we really acted in accordance with these two rules, then the revision committee could not do a single thing towards enrollment until every article of the constitution had been adopted, and consequently we should have to remain here during the time necessary to enroll the whole constitution, after it had been adopted, and I asked permission to change the plan and suggested this method.

Mr. PRESIDENT. I will state my construction of these rules. We had at the beginning no committee on engrossment. In my opinion we needed no such committee, because of the construction of these several rules, and the provisions made by them. I take it that the rules mean simply this: As we pass upon certain propositions, and they are referred to the committee on revision, they bring them back to the convention in articles, or as propositions, having revised the language, attended to what is commonly called the engrossment of these bills, bring them back revised as to the language and in the best form they can be put. They are then put upon their final reading and we vote upon them, or change them as necessary, then the revision committee takes them and puts them as a whole into the constitution, and we again pass upon that constitution as a whole. These are perhaps properly arranged as articles. The rules evidently indicate that the propositions as adopted and sent to the revision committee shall come back to us in the form of articles revised for the constitution, and then be finally voted upon. But we have got to do it in a different way. We have no engrossing committee, their duties are performed by the revision committee, and these propositions have come back to us engrossed. The question now is whether it is necessary for us to again act upon these matters in different articles as revised by this committee. The convention undertook to give its advice a day or two ago, and instructed the committee to proceed with their work. The committee have presented their report in accordance it, seems to me with the instructions of the convention. It is for you to determine if we shall take these matters up and examine them at this time, and vote upon the work of the revision committee, or leave it until they are all through. The matter is under the control of this convention to do as they think best.

Mr. POTTER. I withdraw my objection.

Mr. TESCHEMACHER. If we acted upon the suggestion of Mr. Potter the revision committee would be obliged to be outside of the convention altogether, take no part in the debates and discussions of this convention, and that might be a good thing for the convention.

Mr. PRESIDENT. The chair will take up the regular order of the day.

Mr. CAMPBELL. I move an amendment to the rules that an extra committee be appointed, to be known as committee on address to the people. I think some person should be at work on that before the constitution is adopted.

Mr. PRESIDENT. I wish the gentleman would include address to congress as well as to the people.

Mr. JOHNSTON. Committee No. 8 desires to make a report.

Mr. PRESIDENT. I take it Mr. Campbell simply desired to give the usual notice in regard to the amendment to the rules. If there is no objection the report of Committee No. 8 will be read.

(See journal page 83.)

Mr. PRESIDENT. Resolutions requiring no debate may be adopted at once under our rules. Resolutions requiring debate must lie over one day. I take it there is no debate upon the passage of this resolution.

Mr. JOHNSON. I was going to make a motion to suspend the rules, and move its adoption if necessary.

Mr. PRESIDENT. The question is on the adoption of the resolution as read. So many as are of the opinion that the resolution be adopted will say aye; those of the opposing opinion will say no. The ayes have it; the resolution is adopted. The chair will refer the resolution to the engrossment committee, who will be required to furnish two engrossed copies of the resolution to be forwarded in accordance with the instructions therein contained. A motion to go into committee of the whole is now in order.

Mr. POTTER. I make it.

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we now resolve ourselves into committee of the whole for consideration of the general file. So many as are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Elliott take the chair?

Mr. CHAIRMAN. The file for consideration is No. 66, by Committee No. 10. Your Committee No. 10 revised File No. 66 as originally referred to this convention, and report it back as follows:

Sec. 1. No person not a citizen of the United States or who has not declared his intention to become such shall be employed upon or in connection with any state, county or municipal works or employment.

Sec. 2. The legislature shall by appropriate legislation see that the provisions of the foregoing section are enforced.

Mr. CAMPBELL. I move the adoption of the report as read.

Mr. REED. Second the motion.

Mr. BROWN. I move, Mr. Chairman, that when this committee rise it report back the file as amended with the recommendation that it do pass.

Mr. CAMPBELL. Second the motion.

Mr. CHAIRMAN. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

The next bill on the general file is File 82, on police powers.

Sec. 1. It shall be unlawful for any person or corporation to exercise the police powers of this state, without due authority of law.

Sec. 2. The legislature shall incorporate laws to see that the provisions of the foregoing section are enforced.

Mr. CHAIRMAN. Any amendment to the file?

Mr. REED. I have got a substitute for that file.

"No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this state for the suppression of domestic violence, except upon the application of the legislature, or executive, when the legislature cannot be convened."

Mr. BROWN. I move the adoption of the substitute in lieu of the original.

Mr. REED. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the substitute be adopted in lieu of the original. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is adopted. What will you do with the substitute, gentlemen?

Mr. BROWN. I move that when this committee arise the substitute be reported back to the convention with the recommendation that it be adopted.

Mr. MORGAN. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

Substitute for File No. 50. This is the report of the committee on Sec. 28 of the substitute offered for File No. 50. The rest of the substitute was agreed to but this section was referred back to the committee.

"Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law."

Mr. POTTER. I move when this committee rise it report this section back to the convention with the recommendation that it do pass.

Mr. BROWN. There is another file here which refers to boards of arbitration. It seems to me that File 84 covers everything.

Mr. HAY. I would like to inquire in regard to File 84, as to the means of payment of these boards. I think they should be paid.

Mr. CHAIRMAN. I would suggest that that is a matter which the legislature can provide for.

It is moved that when this committee rise they report back this section with the recommendation that it do pass. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

Substitute for File 31, railroads.

Mr. CHAIRMAN. Mr. Baxter made an mendment to Sec. 2, to strike out all after the word "and" and insert "common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, whether individuals or corporations." This was offered by Mr. Baxter as an amendment to Sec. 2.

Mr. RINER. The objection to the proposed amendment was suggested here the other day, and the more I examine the matter the more I am inclined to think it is a very dangerous provision. Without some saving clause it forces upon a corporation the necessity of charging their own employes for transportation from one part of the line to another, in order that they may carry on their business. This matter was suggested by Mr. Potter the other day, and since the matter was in committee of the whole I have taken occasion to look into the question and I am satisfied that the amendment as proposed by Mr. Baxter will lead to that result. I don't believe it is desired to propose anything that will lead to that result. And cripple a corporation so that it cannot operate its line of road.

Mr. BAXTER. If you would add "except employes" would that meet the objection?

Mr. CHAIRMAN. The question is on the amendment of Mr. Baxter. Are you ready for the question?

Mr. HOYT. I have a substitute for the section as it stands with the proposed amendment.

"All railroad and telegraph lines are hereby declared to be public highways and common carriers, and as such they shall be required to deal impartially with the public, and shall make no unjust discrimination or unreasonable charges for the services rendered."

Mr. POTTER. Second the motion.

Mr. HOYT. I will say a few words in support of that proposition. I think every member appreciates the value of railroads, and we need more of them, and wishes to deal justly and fairly with them, but there are certain interests of the public, which the railroads themselves will concede, which should be preserved and protected, and the object of this proposition is briefly to cover this ground, and protect the interests of the entire public.

Mr. RINER. I don't wish to oppose the amendment, but would simply suggest if it is the purpose of this convention to go into pure legislation, we had better wipe out the legislature altogether and proceed to legislate. I think it is apparent to every lawyer here, at least, that Sec. 2 as it now stands is subject to legislative control entirely, to all intents and purposes, and they will have the right to go into the question of rates, if they see fit to do so. Now, as a matter of fundamental law, what is the use of loading down the constitution with a lot of words which mean nothing. If it gave the legislature one single bit more power than they have now, I will vote for the amendment, but I will ask Judge Brown if he thinks it does. Has not the legislature the same power under Sec. 2 as it now stands as it will have with the amendment.

Mr. BROWN. I don't like to pass upon that question.

Mr. RINER. If the legislature has not the power and Governor Hoyt's substitute gives it the power, I will vote for the amendment. But I think there is no necessity for it at all. We are here to make a constitution and not for legislation. I have no objection to the principle, but I don't think the amendments offered add one thing to the section except words. If as a matter of law it alters its legal effect, I will vote for the amendment.

Mr. BAXTER. I am opposed to the substitute and I favor the adoption of the amendment. It seems to me only proper; my friend from Laramie has said it is right, and if it is right I see no objection to incorporating it into the constitution. I want to say to him, and to the other members on the floor of this house, that I have no sympathy whatever with this feeling of hostility that we find in some parts of the country towards corporations, not only railroads, but corporations of any kind. I have lived at different times in places where it was only necessary for a man to bring suit against a corporation, without reference to the facts in the case, to gain a verdict by the jury. I have got no sympathy with that spirit, but at the same time I fail to see any impropriety of putting into our constitution that which the gentleman himself says is properly within the power of the legislature to exercise. If they have the power why not declare they have the power? The next objection that is raised is that as it stands it will exclude employes. This is a forced construction. Everybody will understand tht the employes necessarily employed in the operation of a railroad shall be excluded from that section, that is understood and there is no use in putting it in here. There is no restriction upon railrods transporting their own employes. My colleagus says the legislature already has the power. That may be, but sometimes it is well enough to put it in; well enough to declare a principle, even if the legislature has the power. It was argued here the other day on this question preventing the entering into contracts by corporations with their employes, releasing them from any liability in case of accident, it was argued here at that time that there was no necessity for it, any such contract was void if made, that such a provision would not add any strength to the proposition, if made. If that is the case why is it they attempt to make such contracts, and when secured why do they attempt to stand upon them? I suspect this amendment as submitted is a little too plain to be satisfactory. I think it is right and proper that it should go in there, it is admitted that it is right, and if right there can be no impropriety in putting it in. It is contended that corporations should stand as individuals; we hear that argument made time and again, and invariably overruled. Corporations are creatures set up by the government with special powers, on the theory that they are in some way contributory to the public good, and if endowed with special powers they should be subject to the control of the people. I believe it is proper that this should go in, and I don't believe the substitute covers the ground as well as the amendment, and for that reason I stand by the amendment as offered.

Mr. CHAIRMAN. Are you ready for the question?

Mr. POTTER. I want to read what I take from the constitution of Illinois, adopted in 1870, which it seems to me struck at the root of the whole business. "The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariff on the different railroads in this state, and enforce such laws by adequate penalties, to the extent if necessary of forfeiture of their property and franchises."

It seems to me that Governor Hoyt's proposition was something like this; I have only heard his read once of course.

Mr. RINER. There is a portion of Governor Hoyt's substitute that perhaps can well be adopted. I was talking to Judge Brown, however, and he and I both agree that for the purpose sought to be accomplished, that the language as contained in Sec. 2 as printed is the better language. Adding the last sentence of Governor Hoyt's proposed amendment makes just the change he seeks to make. His proposition I think much better than the one proposed by Mr. Baxter, and I therefore would suggest that change.

Mr. SUTHERLAND. I am in favor of Mr. Baxter's amendment, and opposed to the substitute for just that one word "unreasonable." I would like to ask any man who has had dealings with any railroad, if they can define what the word "unreasonable" means. I have paid as high as twenty-two dollars for a car from Sherman. and in less than three days after have paid sixteen. I went to the office and told them that they had made an "unreasonable" charge and they gave me to understand that it was no unreasonable charge, and for that reason I am opposed to this substitute.

Mr. MORGAN. I don't like that word unreasonable in this section. Why not just say "without discrimination," that is much stronger than qualifying it by the word "unreasonable."

Mr. CHAIRMAN. Are you ready for the question?

Mr. RINER. I want to know whether Governor Hoyt accepts my suggestion before I vote.

Mr. HOYT. I accept it.

Mr. COFFEEN. I would ask for the reading of the first amendment offered by Governor Baxter. I am opposed to the substitute because the wording is not so clear and strong as this amendment. You talk about unjust discrimination, I want it understood that I vote against discrimination of any kind, believing that any discrimination is unjust. I am in favor of Mr. Baxter's amendment and opposed to the substitute.

Mr. CHAIRMAN. The question is on the substitute. All in favor of the substitute as offered by Governor Hoyt will indicate the same by saying aye; those opposed no. The noes have it; the substitute is lost. The question now recurs on the amendment offered by Mr. Baxter.

Mr. BAXTER. In order to have this in the best language possible, I would like to ask whether it is proper to call telegraph lines public highways; if it is I will leave it.

Mr. POTTER. That is all right.

Mr. CHAIRMAN. The question is on the amendment of Mr. Baxter. Are you ready for the question?

Mr. RINER. I move to amend by adding "and their families."

Mr. REED. Second the motion.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment offered by the gentleman from Laramie, Mr. Riner, will say aye; contrary no. The ayes seem to have it. A division is called for. All in favor of the motion to amend will rise and stand until counted—13. Those opposed will rise and stand—10. The amendment is carried. The question now recurs upon the amendment as amended. Are you ready for the question? As many as are in favor of the amendment will say aye; those opposed no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—14. Those opposed will rise—9. In the negative. The amendment is adopted.

Any further amendments to this File 31?

Mr. HOYT. I wish to offer a substitute for Sec. 3 as follows: "Every railroad corporation or association operating a line of railroad within this state shall be required as often as once annually to make a report under oath to the auditor of state, showing the amount of its business within this state, together with such other facts as the legislature may require, and in such form as the auditor shall prescribe by authority of law."

If there is a second to the substitute I will explain.

Mr. COFFEEN. I second the amendment, but it seems to me that they should be required to make this report under oath.

Mr. HOYT. It says under oath. In the first place, I think there should be authority in the legislature covered by the constitution to require other facts if it should be deemed important; the amount of business is one thing. I believe, I may say, after having a good deal to do with railroad matters for a term of years, I feel satisfied that both the interests of the corporations themselves and of the state, would be promoted by a thorough knowledge of the facts. Often the stockholders themselves are working in the dark. Voting and acting in the dark, matters are left to the directors, who control the affairs, and the stockholders have but little knowledge of the business. It is important then and to the interests of the stockholders that they should have information, and the state should have such information. There would be no harm done to any corporation that is dealing justly and fairly with the public in having all the facts spread before the world. This does not require any specification of facts, but simply says "such other facts" in connection with their business as the legislature may deem it important to the public interests to require, and the form shall be prescribed by the auditor, who shall be delegated by law with such power. I think that very often the quarrels and general warfare that is carried on between railroads and the public are because the public do not understand all the facts and circumstances and difficulties connected with the operating of a railroad, on the one side, and the railroad having antagonized the public on the other side, and if the facts were known these troubles would be avoided, and I think there should be some such provision, in the interests of the corporations as well as of the public.

Mr. CHAIRMAN. The secretary will read the substitute offered for Sec. 3.

(Reading of the substitute.)

Are you ready for the question?

Mr. RINER. I would like to ask the legal fraternity of this convention what is added by the proposed amendment to this section. The legislature may prescribe that that report shall be made under oath, that it shall be made by the president and secretary of the company, they may prescibe that it shall show a list of stockholders, and the amount of stock held by each, they may require anything which the legislature may think proper to require to protect the public interests. If we are going into the question of legislation, let us do it. I think I see gentlemen here who would be glad to take up these matters, and go into the question of rates and load them down with stuff in this constitution that will have little legal weight whatever. This section as it stands gives the legislature just as full and complete powers as the proposed substitute, and is worded in language that cannot be mistaken, I think that the amendment offered is unnecessary, because it gives to the legislature no additional powers, and gives a chance for trouble about the construction of the language, whereas the language here is plain and simple and can be construed without any difficulty by either lawyer or layman. But the greatest objection I have to the amendment is that it is legislation, and has no place whatever in this constitution.

Mr. HOYT. In answer to that I merely wish to ask the gentleman if it is so highly improper and unnecessary to add the proposed provision, why is this section offered at all? I believe that the people have the power in themselves, inherent in the people of the state, to regulate these corporations. There are many powers inherent in the people, yet when we frame a constitution we insert provisions concerning them, giving instructions to the legislature and giving notice to the world regarding them, that they may understand and that the people may understand what is expected of them. Now if the proposition offered is out of place, then this section in the printed bill is out of place. Now I only wish, Sec. 3 having been introduced and considered at some length, to perfect it if possible, and perfect it in the interests of all concerned. I am opposed to legislation in the constitution. I opposed it from the beginning, but here is a provision, an article which we propose to adopt, in some other form or another, even if it is legislation, so let us make it as clear as we can.

Mr. RINER. I don't seem to succeed in making myself plain. I didn't know that I said it was unnecessary to adopt Sec. 3. My proposition was that the proposed amendment adds nothing to Sec. 3. I am not opposed to Sec. 3. The section as it now stands provides this report shall be made in such form as the legislature shall prescribe. I say that in that language, "in such form as the legislature may prescribe," under that language the legislature may require a railroad to show anything that they deem necessary and important for the public to know. They may require them to embody in that report a list of their stockholders, the number of shares held by each, they may require anything relating to their business that the legislature see fit, I say this that the section as it stands is better than the amendment, and I stick to it. Where a form is prescribed you are limited to the form, and you are bound, and the legislature is bound, and has only power to put in their requirement such matters as are stated in the constitution. Let us leave it as it is, it is broad enough and leaves the legislature power to require at the hands of the company any matter which in their wisdom they deem necessary and important. I say that the proposed amendment weakens the provision, because the amendment undertakes to prescribe what that report shall include, and is a limitation upon the power of the legislature. It is well known to every lawyer that where a form is prescribed you are limited to the form, and I want to know if leaving the entire form to the legislature as in this section, does not leave the matter in better shape and upon a better basis, as a constitutional provision? I think it does.

Mr. HOYT. The gentleman's explanation seems to discover to me that he has a different reading of the provision than I have. This is the section: "Every corporation or association operating a line of railroad within this state shall be required as often as once annually to make a report under oath to the auditor of state, showing its business within the state, in such form as the legislature may prescribe." The word amount is not there. I merely want to have this in such shape that there will be no question about it, and if the convention thinks the section as printed covers the whole ground I withdraw my substitute.

(Substitute is withdrawn.)

Mr. TESCHEMACHER. I move when this committee arise they report back the substitute for File 31 with the recommendation that it do pass.

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. You have heard the motion. All in favor of the motion will say aye; those opposed no The ayes have it; the motion prevails.

File No. 60, federal relations.

Mr. CHAIRMAN. The secretary will read Sec. 1.

(Reading of Sec. 1.)

Is there any amendment to Sec. 1? If not Sec. 2 will be read.

Mr. POTTER. It strikes me, although I have not read the bill under which all these states are admitted, it strikes me that these matters contained in this report come under the head of ordinances. It strikes me that way. I know Sec. 2 does.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Any objection to Sec. 2? If not Sec. 3 will be read.

(Reading of Sec. 3.)

Mr. CHAIRMAN. Any objection to Sec. 3?

Mr. HOYT. It occurs to me that Secs. 2, 3 and 5 while proper in themselves, these sections necessarily belong to other articles to be incorporated in the constitution, and should be omitted from this article. I think part of them belong in the bill of rights, and in the file on public schools, the educational article, and are found there.

Mr. FOX. The committee's report recommended that these should be put in the constitution where they belong, as the revision committee may decide. Senate bill 2,445, under which we hope to come in as state, makes this requirement embodied in Sec. 3, so the committee on federal relations thought they ought to report it.

Mr. POTTER. I think I can call Governor Hoyt's attention to the senate bill, to the end of the bill where it refers to Wyoming. and I find the same provision in the bill referring to other states, that said convention will provide by ordinances irrevocable, without the consent of the United States and the people of said state, certain things, and this section is in exactly the words of the senate bill. No matter if they are in other places of the constitution, they must go into the constitution under the head of ordinances.

Mr. BURRITT. I think the revision committee can attend to all these things, and I therefore move that when this committee arise it report this file favorably to the convention with the recommendation that it do pass.

Mr. CHAIRMAN. I want to call attention to Sec. 4. It strikes me as being very broad.

Mr. POTTER. That is just what the senate bill declares, that the debts and liabilities shall be assumed by said state.

Mr. BROWN. I offer as a substitute for Sec. 4, "All debts and liabilities of the territory of Wyoming shall be assumed and paid by this state."

Mr. POTTER. Second the motion.

Mr. CHAIRMAN. The question is on the substitute offered by Judge Brown, to Sec. 4. Are you ready for the question? As many as favor the substitute will say aye; those opposed no. The ayes have it; the substitute is adopted. Any further amendments to the file? It is moved that this file be reported back to the convention with the recommendation that it do pass. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

File No. 84.

Mr. RINER. I move when this committee arise it report back this file with the recommendation that it be adopted as a part of the constitution.

Mr. BAXTER. It seems to me that in its present shape it is entirely too far reaching, if I understand the purpose of the provision. It says: "The legislature shall establish boards of arbitration, whose duty it shall be to hear and determine all differences and controversies between laborers and their employers." My idea about this board is this; they don't care to hear the differences that may arise between me and somebody I have employed to build a fence, or any trivial matter of that kind, if they do you will have boards of arbitration sitting constantly. I understand the object of this proposition is to reach matter of such gravity as would threaten a strike of any considerable number of employes, that such differences shall be submitted to a board of arbitration, and not may be, as Mr. Riner seems to understand, upon application of either party. I believe it to be the intention of this committee to indicate in some way or other when parties shall call upon a board of arbitrators to adjust their differences; others may do it if they choose, but we should not say here that all differences between employers and employes shall be submitted to a board of arbitration.

Mr. SMITH. I move to strike out "on the district courts."

Mr. CHAIRMAN. It is moved and seconded that the last four words in the last line of this file be stricken out. Are you ready for the question?

Mr. SMITH. I would like to ask the attention of the convention to this, as it reads. Where are you going to limit them if they have all the powers and privileges conferred by law on the district courts? Who is to determine what is "applicable?" I am in favor of a measure of this kind, but I am in favor of its being regulated by law in such a way as they will be in a position to do something, but as it is now itwill simply amount to a dead law.

Mr. CHAIRMAN. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. HARVEY. I think this thing is absurd.

Mr. CHAIRMAN. Does the gentleman wish to make a motion?

Mr. HARVEY. No, I don't care to, but this thing seems absurd as it is now.

Mr. BAXTER. I think myself it is desirable to have a proposition in this constitution which will make it binding upon either party to a contest to submit it to a board of arbitration, provided the employer is employing labor of such an amount as to seriously threaten the disturbance of the peace of the country, but it seems to me that in its present shape it is a most extraordinary clause. It shall be the duty of the board to hear all differences between employers and their employes. That means every man that employs hands. If I have a man working for me and we have some difference we have to go to this board. If an employer is employing labor of such quantity as to threaten a strike upon the part of a large number of employes, there should be some provision for arbitration in that case, and not that they submit but that they shall come in and submit to arbitration upon the aplication of either party.

Mr. BURRITT. The question as I understand it is upon reporting back this file with the recommendation that it do pass. This is the first time I have seen this file, and I have been reading it vigorously, endeavoring to get at the meaning of it, and been hoping that some member would get up and explain. I have heard no explanation as yet. If it said: "The legislature shall establish boards of arbitration, whose duty it shall be to hear and determine differences and controversies between laborers and their employers upon such matters and in such manner as the legislature may prescribe," and stop right there, there might be some sense in it, but if this file passes in its present shape it don't mean anything in the world, it is just like a blank piece of paper, and I am opposed to the committee making any such report in reference to this file. You might just as well wipe out the judiciary altogether. If this was intended by Committee No. 10 to reach corporations who have differences with these labor organizations, why then it seems to me that it ought to be so worded. As it is now it fails to reach that purpose. Any person could drive a four horse team and wagon through that and never touch that idea. I may be a blockhead, but I fail to see any meaning in it the way it now stands.

Mr. REED. There seems to be a good deal of controversy over this file. If a man will read it over carefully he will see that there is a good deal of sense in it, and not so absurd as some of these gentlemen seem to think. Sec. 1 as it now stands has already been adopted by another state. I will state that my object in proposing it to this convention was this, to protect us. I presume everybody knows that the Union Pacific a short time ago was on the verge of a very important strike, similar to the C. B. & Q. I know it anyway, and know all about it. The company in trying to get around the strike insisted upon arbitration, and we refused to arbitrate, because we took the stand that we had nothing to arbitrate. One morning in Omaha every paper in the city came out and said the Brotherhood was bound to arbitrate, and should arbitrate. We didn't understand the sudden change of opinion, but simply to accommodate the public and the people at large we said we would arbitrate. They took one man, we took one man, and these two selected a third, and in two hours they decided that our ground was just, and that the company was in the wrong. I want this proposition in here in some way so we can submit these differences. Your section in your judiciary bill is not going to reach these big strikes at all.

Mr. McCANDLISH. I would like to ask the gentleman, in the case he speaks of, suppose the case had been reversed, suppose the Brotherhood had wanted to arbitrate, and the company had refused to arbitrate. There is nothing in this bill to make them arbitrate, if they don't want to. I would like to see something put in it to compel them to arbitrate.

Mr. REED. I will state that the Union Pacific will always arbitrate; they have got their teeth cut; and the C., B. & Q. will always arbitrate.

Mr. BROWN. I have a motion that I want to make, and I wish to state before hand why I make it. I don't believe in putting things in this constitution that will amount to about as much as the wind whistling around this statehouse, and when we keep in this proposition or article the words which follow "employers" in the second line it simply destroys the entire proposition, and makes it about equal to the whistling of the wind. When we undertake to do anything let us do it so that it will accomplish its purpose and reap results. I know what Mr. Reed wants to accomplish, and I offer this amendment because I believe it will accomplish just the object which the gentleman has in mind. I propose then to strike out all of these words in the third line, "which shall be submitted to them in writing by all the parties." I propose to insert in the second line between the word "laborers" and "between" the word "organizations." The proposition which we desire to reach here is not the difficulties that constanly arise between an every day laborer and the man who employs him, every stable boy and his employer, but we want to reach a much more dangerous element. When men organize to resist the rights of their employers they then become an organization, and as an organization they become dangerous to society. Under such circumstances, when so organized, they destroy immense amounts of property; they may destroy the entire property of a corporation, and if these matters are compelled by law to be submitted, if these labor organizations may be brought to submit their differences to these boards of arbitration, society may be saved bloodshed, outrage and all other violence that we suffer from this cause. There is another thing about it, it will not only save the property of the employer, but if this measure is enforced, it will save the men who organize to resist wrong, the results of their hard earnings, and it is to save them the expenditure of their hard earnings in resisting what they believe to be wrong against their rights, that these boards of arbitration should be established. Not only in their interest is it that we should establish them, to save them, but we should establish them in the interest of general society, and for the good of society at large. These matters have been considered in every part of the world, strikes are common everywhere, men who think their rights have been taken away from them by organized capital, to their injury, will resist the wrong, and have the right to resist, and I admire them when they do resist, but when they are compelled to resist to the extent of destroying life and property, they are injuring not only their employers, but themselves and society at large. There is but one way to reach these outbreaks, and they can be reached by these courts of arbitration, and I say to you, gentlemen, let us here in Wyoming at least undertake to establish a remedy for these evils which are as wide as the world. When we undertake to do it by the establishment of a board, or a court of arbitration, we are taking one step in the right direction, you can depend upon it.

Mr. COFFEEN. I would like to ask Judge Brown one question. I believe we are striking in the right direction in behalf of the vast number of laborers when we establish these boards, but when he says organizations of laborers, I think that term may be more limited than we now think, not so broad as if we said "or associations." The courts may decide the term organizations will limit this to those that are established with their presidents and secretaries, in some large form or other, a small body of men associated together ought certainly to have the benefit of this. I support this most heartily, but I am a little afraid of that word organizations as it is. "Or associations of laborers" I think would improve his amendment.

Mr. BROWN. It seems to me that when we say organizations of laborers, it is any organization of laborers, that is my idea, but if what the gentleman suggested will add anything to it, I am entirely willing to accept the amendment.

Mr. COFFEEN. I say the word association would be a good word, organizations or associations of laborers, and that being accepted I wish to say a word on this. I think this covers the ground perfectly; they must be submitted in writing and leave it to the legislature to prescribe what powers and authority they shall possess, and under what circumstances they must come to arbitration, if necessary, and I believe the legislature will deal wisely with all these things. Again, while it is true, no doubt, what the gentlemean stated concerning the demands for arbitration, on the part of the corporation, and not the laborers, my own observation has been among the people with whom I have lived, that the laborers have in many cases sought arbitration, and sought it in vain, and therefore I want it so it shall not be impossible to bring these matters to arbitration; that they shall be brought before these boards of arbitration, and I am therefore in favor of the amendment.

Mr. BURRITT. If this file is open to amendment I desire to move an amendment to the amendment, but I won't designate it in that way. I offer this as a substitute for the whole proposition, and I desire to say, Mr. Chairman, just this: I endorse fully all the gentleman from Sheridan has just said, but the point I object to, the one I made when I first arose, although I may not have made it clear, is the point I desire to emphasize, and is my reason for offering this amendment. I am just as much in favor of protecting organized labor of any kind as any man in this convention, and I should like to see it on an equality with capital, but what I object to is incorporating into this constitution a precise form of judiciary for this matter of arbitration, which may after a little experience, after the first case even, prove to be an unwise provision. Now in the manner in which I have worded this substitute it will leave it to the legislature to prescribe the jurisdiction of this court, what its duties are, and when its services shall be required; but if we put it in as it is now, and it prove a failure, we cannot change it without changing the constitution. I offer the substitute, which reads as follows: "The legislature shall establish boards of arbitration, whose duty it shall be to hear and determine all differences and controversies between organizations or associations of laborers and their employers, which shall be submitted to them in such manner as the legislature may provide."

Mr. REED. I am afraid, as the gentleman here on my right has suggested, that by the time we get through with the original file, we won't know what it is. I have no remarks to offer upon the amendment offered by Judge Brown. I think it is right, and reads sensible on the face of it, but to add any amendments to it we can't tell whether we are going to have a board of arbitration or not, the way matters are going now. I don't favor any more amendments; I will take my chances on it as it is.

Mr. RINER. I will favor either the substitute or the amendment. I will favor the substitute first because that is to be voted upon first, but I want to call the attention of the convention to one matter, and that is this: When you confine your question of arbitration to organizations or associations of laborers, you cut off and deprive one-half at least of the railroad men in the country of the right to arbitrate. I believe in arbitration, so does every one who has any interest, directly or indirectly, in corporations. I wish it might be possible for every company, or any man who has any differences of any difficulty between the laborer and his employer, to come to arbitration. It is better for the company and better for the laborer, but I don't believe when you come to look this over it exactly reaches the question. However, if it is thought by the convention that it does, I will gladly vote for the amendment, because I believe it is a step in the right direction, although it does not go far enough in my judgment.

Mr. CHAIRMAN. The queston is on the substitute.

Mr. SMITH. I would like to ask that the two amendments offered by Judge Brown be put separately, as I would like to vote upon them separately

Mr. CHAIRMAN. The question is on the substitute offered by the gentleman from Johnson, Mr. Burritt.

Mr. REED. The gentleman would seem to doubt that every branch of labor on the Union Pacific is organized. To my knowledge there is not a single branch on that road that is not organized, all under a separate head, but under one federal control, as it were.

Mr. COFFEEN. I rise to ask that the amendment be read.

(Reading of Mr. Burritt's substitute.)

Mr. CHAIRMAN. Are you ready for the question? All in favor of the substitute will say aye; contrary no. The ayes have it; the substitute is adopted.

Mr. POTTER. I move that when this committee arise it report back this substitute with the recommendation that it do pass.

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion, Are you ready for the question? All in favor of the motion will say aye; contrary no The ayes have it; the motion prevails.

Substitute for Files 7, 26, 27, 41, 55 and 54, revenue.

Mr. RINER. I move this be made the special order for tomorrow afternoon. I will explain if I can get a second.

Mr. POTTER. Second the motion.

Mr. RINER. I do this because this is a question upon which I wish to vote intelligently. There are a number of members who are away, but who will be here on tomorrow's train, that have taken the trouble to inform themselves about this matter, which I consider one of the most important matters this convention has to deal with. I believe we ought to avail ourselves of all the information we can obtain, and there are a number of gentlemen from Rock Springs and Uinta, and others that I know of, I don't know whether Mr. Richards will be here or not, who are particularly interested in this, and would like to take part in the discussion.

Mr. HAY. Have it made Wednesday morning; the Cheyenne & Northern will come in tomorrow night and Mr. Richards may come in on that.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved that when we rise we report this back to the convention with the recommendation that it be made the special order for Wednesday morning. Are you ready for the question?

Mr. BROWN. I object to Wednesday. There is no use in putting it off day after day. We might as well tackle it now as any time. Let us have it tomorrow. There is no use in delaying these things, putting matters off, let us get down to work and get through. I am opposed to Wednesday.

Mr. HARVEY. There is no probability of anyone coming on the Cheyenne & Northern.

Mr. HAY. Well, then if that is the case, I withdraw my motion, as that was the only reason why I made it.

Mr. CHAIRMAN. The question is on the motion that this be made special order for tomorrow. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Substitute for Files 11, 38, 42 and 72.)

Mr. CHAIRMAN. Is there any objection to Sec. 1? If not Sec. 2 will be read.

(Reading of Sec. 2.)

Mr. HARVEY. I think that is surplusage; it is unnecessary; that is perfectly understood, and I think there is no use in putting it into the constitution. I therefore move to strike it out.

Mr. HAY. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. COFFEEN. I hope the motion will not prevail. Because things are axioms is one of the very best points that can be made in favor of their being put into the constitution. Because a thing is regarded as an axiom is no restriction upon courts or legislatures. If there is no other reason for striking out than because it is an axiom I think it had better remain where it is. Such things as are universally admitted to be in the interest of good government ought of all things to be incorporated in the constitution. Sometimes the right of the state has been questioned to regulate these things, and sometimes it has been decided one way and sometimes in another, and for that very reason I think it ought to be inserted here.

Mr. HAY. My idea in having this stricken out was because I considered it unnecessary. But if the convention thinks it is necessary, I have no objections to make.

Mr. CHAIRMAN. It is moved and seconded that Sec. 2 of this file be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. As many as favor the motion to strike out will rise and stand until counted—9. Contrary minded will rise and stand until counted—18. In the negative. The motion is lost.

Mr. FOX. I move to strike out all after the word "declared" in the fourth line. I think all that follows is a repetition.

Mr. HAY. I wish to say that is what I objected to.

Mr. CHAIRMAN. It is moved and seconded that all after the word "declared" in the fourth line be stricken out. As many as favor the motion will say aye; contrary no. The noes have it; the motion is lost.

(Reading of Sec. 3.)

Mr. CAMPBELL. In order to bring this matter before the convention, I move to strike it out. I confess that I don't know what it means but in order to bring it before the convention and have it explained, I move it be stricken out. I cannot see any necessity for it at all. I don't see what it is striking at in the first place.

Mr. BROWN. The idea of the committee in reference to this matter I have no knowledge of, but it seems to me that the operation of it would be this: That if some person or persons have organized or undertaken to organize a company for some purpose, and has not done anything under it, that it would be wiped out. That is my idea. There exists, it is said, I don't know whether there is any truth in it, but it simply illustrates what I think is attempted to be reached here in this section. It is said that in the Sweetwater somewhere a straw railroad company, organized under the laws of the territory, has gone and occupied a canyon, and by their occupation of it have prevented the Northwestern road from constructing its line over the route that they have selected and want to build over, and that the extension of the Northwestern line has absolutely been prevented by the said straw company occupying that canyon. If that is true we don't want these straw companies to continue to occupy places of this kind, and prevent bona fide corporations from building, and that is what this section strikes at, and would prevent some one getting up a company on paper, and going out and doing one or two days work, and prevent some bona fide company from occupying the ground and constructing a road, or compel them to buy them out at some exorbitant figure.

Mr. MORGAN. I think if any one would go down to the secretary's office and examine the incorporation articles on file they will find a great many that have done nothing but taken out their organization papers. At an auction not long ago in this city the stock of one of the corporations of this sort, amounting to some seven hundred thousand dollars, was sold for fifty cents. The company was organized but nothing was done under it, and never will be, and just as Judge Brown says their charter ought to be canceled, so as not to prevent bona fide corporations coming in and occupying the ground.

Mr. POTTER. As a member of the committee, when this was read to me by the chairman I saw no objection to it, for it seemed to me to refer to special charters or something of that kind, but Judge Brown's statement here leads me to doubt the wisdom of putting it in here just as it is. It reads "under which an actual and bona fide organization shall not have taken place and business been commenced." I believe with Judge Brown that these straw companies ought to be wiped out of existence, but we want to be careful, in putting this in the constitution that we do not wipe out corporations or companies which are formed in good faith, and intend to do business, although they may have not done so as yet. I recall to mind one that I know of myself. I know that the Burlington road have located a line from their present termination down somewhere near Fort Laramie, and have filed their plat with the United States general land office. They have their right of way, have bought rights of way through lands, and have paid for it, but they have not built. The railroads have all been somewhat obstructed in building owing to the depression in business, but they intend to build. They have put money into this right of way, but under this provision that company, it is not called the Burlington but is known here by some other name, the Grand Island & Western, I think it is, would have to be wiped out of existence because they had not commenced business. At least I think that would be the construction of this, but it might not be.

Mr. SMITH. Is not that commencing business? If they put their money into it, that would indicate their good faith. But there are some corporations who have not done any business and don't intend to do any, and they ought to be wiped out of existence. But we ought to be very careful about this section.

Mr. COFFEEN. A word. In the first place it is clear that the same wish in regard to this matter exists in the minds of all. In the next place, as I take it, if a railroad has commenced business to the extent of surveying the line, or buying the right of way, or anything else that indicates their good faith, they are safe. This is intended to block the way of companies organized to take advantage of the free railroad lands, to cut them off from getting privileges in that way, but if acting in good faith, it don't hurt anybody.

Mr. HAY. I am unfortunately connected with a corporation that owns some land. We put in twenty dollars an acre for it, it is coal land. We put that in two years ago, we have never been able to get title to it, and we have never done any business except to put our money into it. We expect to some day, and I don't for myself see the justice in dissolving it.

Mr. HARVEY. I would like to ask if this is intended to wipe out these corporations without any hearing.

Mr. FOX. Bona fide organizations it says.

Mr. RINER. It is qualified by the words "business been commenced in good faith."

Mr. BROWN. In answer to the question presented by the gentleman from Converse, Mr. Harvey, I would say this does not wipe out without a hearing. The gentleman will see in an instant, by an examination of the section, that there are many questions of fact raised in this section. "All existing charters, franchises, etc., under which an actual and bona fide organization shall not have taken place." That is one fact; a bona fide organization. Its business commenced is another fact. The good faith of the parties is another fact. Now all of these facts would seem to have to be considered before any organization is wiped out. Who is to decide upon these facts? How are they to be determined? The corporation must go into court and establish the fact that they cannot wipe them out under this provision. But another proposition: "business commenced." That is not so clear to me. It seems to me that a railroad company, for instance, when organized, don't commence business when it commences to buy its right of way, it don't commence even when it commences constructing its road.

The business of a railroad is that of a common carrier, and when we say commence business in the sense used here it means business, the business for which or the purpose for which the corporation was formed, and it is a dangerous word to use in the section it seems to me. Now perhaps the proposition presented by Mr. Hay would also illustrate this same question. A corporation is formed and they undertake to acquire title to land. If the purpose and the object is to mine coal, one of the incidents perhaps to its business would be acquiring title to the land, but the business of a coal mining company is producing coal, the main business of the company, so can you say that the business for which it was organized has been begun with the purchase of the land? It is a very difficult question, I should say. I can see why the term business was used here by the committee. It is evidently used because the intention was to cover a great variety of corporations, and you cannot say the construction of a railroad, because that would limit it to a single class of corporations; that the purchase of land for a coal mining company, because that limits it again to another class. The word business was used here by the committee with a view of applying it to all classes of corporations, but I am afraid that it is a dangerous word to use.

Mr. RINER. The suggestion made by Judge Brown, as to the condition of affairs out on the Sweetwater, in view of the legislation had by congress, cuts no figure whatever. Congress has provided by law where any railroad company occupies a canyon or pass in the mountains, where it is impossible to get through in any other direction, that another railroad can even condemn their track if necessary in order to get through, they have got to allow them to go through, so as a matter of fact the question of that corporation holding that canyon up there and delaying the construction of the Northwestern, cannot be the case in view of the legislation had by congress. It is on public land. There has been a great deal said about the application of this section to railroad corporations. It hits fifty ditch companies and coal companies and other corporations where it hits one railroad, and if that is the purpose, although I must admit the danger of the suggestion made by Mr. Potter and Judge Brown as to the word dangerous, the section is not dangerous. The purpose of this is to wipe out all of these straw companies on file with the secretary of the territory, that is all right, and I don't believe anybody will disagree to that. In the way this is worded, however, it must not only, in order to save the organization of a corporation, be organized, have a president, secretary, etc., a bona fide organization, but if the business has not actually been commenced, in good faith, at the time of the adoption of this constitution. If a corporation fails in either of these things, under this provision of the constitution as here proposed, it will have no validity. Here you require them to not only organize in good faith, for the purpose for which incorporated, but you require them to actually commence business, and I think that the term business will bear the construction placed upon it by Judge Brown. I believe it is dangerous, but I am unable without considering the matter to suggest just what word should go in there. The purpose of the section is all right, and I think the effect of such a provision a good one, but we should be careful to word it so as to avoid the objection made to it by Mr. Potter.

Mr. SMITH. This section has been effective in the states where it has been used to meet just such corporations as have been referred to by Mr. Riner. There are many companies, ditch companies, commercial companies, and banking companies, who two days before the election takes place to adopt this constitution, or two months before, who have not perfected their organization. A great many organizations are organized in good faith, for a special purpose, but not in good faith for the purpose of transacting the business organized for. The law as it stands now may be favorable to a particular kind of corporation, more favorable than under a state government, and they will organize for the purpose of securing rights they will have by so doing, and which they would not have under state laws, and that is the intention of this section to prevent things of that kind. If they organized under the territorial law and they do not prosecute their business, they are not entitled to continue their charter, and they ought be compelled to give it up and organize under the state law. I think this section was drawn up also by the committee on railroads, when they made their report, but they did not incorporate it in their report, but thought this was the proper place for it. The public is interested in looking after its railroad lands, although I have no doubt whatever that this would apply to a railroad acting in good faith. It proposes for instance to reach straw companies where it is evident they are trying to get hold of these railroad grants for speculation, and hold them and compel another road to buy them from it, a sort of blackmail you might call it. I understand this is intended for them, and I think it should be incorporated in this constitution, although I think perhaps that it might be worded differently.

Mr. BROWN. I don't know that what I propose will exactly meet the situation, but I submit it for the consideration of the committee; that is to strike out the word "business" and insert "the purpose for which formed has been dilligently pursued in good faith."

Mr. HAY. It seems to me that the object desired by these gentlemen can be reached in some other way. For the sake of reaching these straw companies referred to by them, I don't think we ought to effect the interests of every corporation that might not be able to pursue their business right along. I think if an organization elects its officers every year, keeps its organization in force, have their board of trustees, their secretary and president, and show their good faith in keeping their organization alive from time to time, it ought not to be dissolved; they may be unable to raise the money, I know a good many of that kind, organized in good faith, but who found it impossible to raise the necessary amount of money to carry out their plans and are not liable to within the few weeks before the adoption of this constitution. The question of the straw companies holding the public lands ought to be reached in some other way, and not by affecting the franchises of corporations organized in good faith, and who are keeping their organizations alive in good faith every year.

Mr. POTTER. I believe it is the unanimous sense of this convention that if any corporation has been organized in good faith, that it ought to be permitted to exist. I believe that is the sentiment of this convention, and that being the case, there is no use in saying anything more, or to hear any more arguments on this question if you believe that. I think it would be an outrage to take away their franchises if they are organized in good faith, just as much an outrage as it would be to take away my property. Now then, I am going to add the following to the amendment suggested by Judge Brown, or rather in place of his amendment: To strike out the words "business been commenced"-and insert "for the purpose for which formed ed, and which shall not have been maintained in good faith." I don't know as that is any better, but it seems to me that it is.

Mr. COFFEEN. The gist of this article as prepared and reported by the committee is to know that the organization is in good faith to do something. If it does nothing, why I guess it ought to be gotten out of the way and let somebody take the field who will do something. The gist of it is that they should commence business in good faith. The first thing it is necessary for a corporation to do, is a part of its business, if it be the survey of the road bed, acquiring title to lands, or anything of that kind, the first thing it does, so I don't believe there is any danger in this section, and I don't believe we can improve upon it. The Washington constitution has exactly this same section in it, I think the section as it stands covers the ground perfectly.

Mr. BAXTER. I move that this committee rise, report progress and ask leave to sit again.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise.

(Committee report. See journal page 84.)

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. POTTER. I move it be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole as read be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report is adopted.

Mr. RINER. I move that we now take a recess until 7:30 this evening.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion that we now take a recess until 7:30 this evening will say aye; contrary no. The ayes have it; the motion to take a recess prevails.

EVENING SESSION.

Monday evening, Sept. 23, 1889.

Mr. PRESIDENT. Convention come to order.

Gentlemen, at the hour of adjournment we were considering the report of the committee of the whole on substitute for Files No. 11, 38, 42 and 72. The committee of the whole rose and asked leave to sit again.

Mr. RINER. I move we go into committee of the whole for consideration of the general file.

Mr. FOX. Second the motion.

Mr. PRESIDENT. All in favor of the motion to go into committee of the whole will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. Will Mr. Johnson of Laramie take the chair?

Mr. CHAIRMAN. At the time the committee arose the question was on the amendment to Sec. 3, to strike out "business been commenced" and insert "and been continued."

Mr. CHAPLIN. I offer this as a substitute: "All existing charters, grants of special or exclusive privileges under which organization shall not have taken place, or shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no effect or validity whatever."

I will state that this section is taken from the Illinois constitution and seems to do away with the business part objected to this afternoon, and in my opinion covers the ground entirely.

Mr. MORGAN. I like the original section pretty well, and if this substitute takes its place I shall like it equally well.

This article is of more importance than I thought when we adjourned. It is intended for something like this. There are numerous corporations in this territory which are virtually dead, but they can be revived by any designing man, and made alive under the new constitution when it comes into effect, without being subject to the provisions thereof. The corporation might be apparently dead, so far as the original organization was concerned, but it might have been organized under special favorable privileges, and be revived for the purpose of getting the benefit thereof; and putting them into operation without being subject to the provisions of the constitution. I think my friend from Albany was mistaken in his ideas this afternoon, that this would effect railroad companies, because their business was that of common carriers, whereas in the incorporation of a railroad company it is for the purpose of constructing and maintaining a railroad as well as common carriers. This is intended to prevent corporations which are virtually dead from being revived without being subject to the provisions of the constitution. If they want to reorganize they can do so under the new constitution and be subject to it. It seems to me there is no difficulty about this, and I think Sec. 3 or the substitute will, either one of them, answer the purpose.

Mr. SMITH. I hope this substitute will not prevail, because I think if you will look at this section carefully it is really a very important one. Now as to this word "business" as referred to here. The section as it reads, "bona fide organization shall not have taken place, and business commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity." The word business there is unnecessary, the gist of the whole thing is the good faith. There are a great many corporations that have spent considerable money in acquiring franchises, that may have some particular purpose in desiring to hold their franchises, yet have done nothing, that corporation has its existence. Every corporation until legally dissolved is an existing corporation and from what I have heard here there are corporation papers on file in the office of the secretary of this territory covering almost every conceivable interest you can think of. These corporations by their charters here may be revived, and they are revived under the law which they were created. A charter granted is a contract, and no constitution or subsequent law can effect it, unless the right is especially reserved at that time, and they are only subject to the laws under which the charter was granted, and if they prefer to act under the old charter there is no remedy for it, and you cannot make them subject to the new constitution. Another thing. I desire to call attention to the complications and difficulties that would arise in business if corporations did revive and do business under the old charter. There is always more or less litigation connected with corporations.

Mr. MORGAN. Let me read a section from the Pennsylvania constitution: "All existing charters or grants or special or exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity." That is almost word for word as we have it here.

Mr. CHAIRMAN. The question is on the substitute offered by the gentleman from Albany, Mr. Chaplin. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question now recurs on the amendment to strike out the words "business been commenced" and insert the words "been continued." Are you ready for the question?

Mr. POTTER. I really think that this amendment covers the ground and puts it just where we ought to have it. Nearly all the corporations formed in this territory are for private business purposes, nearly all of them, with the exception of the few railroad companies we have. They may own property, may have acquired property, and as I said this afternoon, may not have gone into actual business. Mr. Smith says that good faith is after all the gist of the whole matter. If there is an organization in good faith, it covers the whole question, and we need look for nothing further. They cannot prove that unless they have gone into business or are making arrangements to go into business and I am not sure whether the courts would not hold that it will not be considered so unless they have actually gone into business, and as it would have to go to the courts anyway why not leave it entirely to them? Although all these other states have adopted this, but they may have some other questions, something in those states that we have not got. They may have some law by which they can grant special charters. No charter has been granted in this territory since I have been a resident of it. They have all been organized under the general law. We have no special, exclusive, privileges given to corporations. I don't believe one can be pointed out.

Mr. FOX. The object of this section here is to bring everything as near as possible under the state government when we organize. Under the restrictions we put on corporations, these old corporation papers that have never been used will be in demand. Parties will buy them up because organized under the laws of Wyoming territory, and they will carry out the object of the incorporation under the laws of the territory. I think this section is a good one and should be adopted just as it is now.

Mr. RINER. In arranging this report on corporations, I think in the consideration of any one subject, we must view it in the light of the succeeding sections. Sec. 8 provides that "no corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of corporation." Take the case to which Mr. Hay referred this afternoon. Here is a corporation organized in good faith, for what purpose? The articles of incorporation say for the purpose of mining coal. They have invested a large amount of money in coal lands, but have not developed them as yet at all. They own the land, for which they paid the government price of twenty dollars an acre. By your adoption of Sec. 3, unless you put in a saving clause, as suggested by Mr. Potter, you dissolve that company and take away it's franchises. Now then here comes in the trouble of this whole thing. Members of the committees take out this and that from the different state constitutions, without taking into consideration for a moment whether they effect the local conditions we have here or not. Now I say to this constitutional convention that the people will never ratify a constitution which is going down into the pockets of the people of this territory and take away from them thousands of dollars which they have invested in corporations, such as Mr. Hay suggests. That is a corporation which I know was organized and is organized and exists today in good faith, yet taking your whole report, coupling Sec. 8 with Sec. 3, and you take from that corporation not only its franchises and its property (because its charter is part of its property), but also the right to utilize that property, for other purposes. Supposing your constitution is adopted tomorrow, I ask you, more especially the legal members of the convention, whether or not as a matter of law they would not be wiped out of existence?

Mr. BROWN. Let me ask you a question? How will you remedy the section so as to save such companies and yet maintain the general object of the section?

Mr. RINER. I think Mr. Potter's suggestion reaches the exact case. When it comes to the question whether or not parties have formed a corporation in good faith, we know that it is a well defined proposition in law, the court will have no trouble in ascertaining what good faith is. "All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place and been continued in good faith at the time of the adoption of this constitution," I say that is broad enough, and as broad as we want to have it in this constitution. As to this matter no one can say I am speaking for any particular corporation, it won't effect a railroad in the territory. The section as it now reads, unless this amendment is put in, you will find, I venture to say, stamp out of existence at least twenty-five corporations which are maintaining their organizations in good faith, as much as the Northwestern railroad maintains its organization in good faith. It will dissolve a number of coal companies; to my knowledge there is one formed a short time ago for the purpose of developing a coal mine near Rock Springs, a private corporation in which no railroad or no man who has any interest directly or indirectly in a railroad company, are stockholders, they have bought their land and paid the government price for it, but as yet have done no work. Now are you going to say that company shall be dissolved because they have not as yet done any work, and may not have done any at the date of the adoption of this constitution? They are poor men, laboring men, who thought they could do better at this than to work for the Union Pacific in their coal mines by the day. By your provision, unless you put in a saving clause such as suggested by Mr. Potter, you drive them back to the mines to work by the day. I say the thing is not right. Let us look at it as men, as intelligent men, who want to do the right thing, in view of our local conditions here. You cannot take a section from the Pennsylvania constitution, another from Colorado, another from South Carolina, where the conditions are entirely different from what they are here, and attempt to apply it here, because it worked well in Pennsylvania. It is a mistake and you will find it out to your sorrow later on.

Mr. COFFEEN. "In good faith" applied to the fact of continuing the organization, don't reach far enough, we ought to in some manner say good faith in the going forward to activity. Consider it in the light of Sec. 8 Mr. Riner says. I contend it is not effected by Sec. 8, unless they have violated it, and if they have it is best for the people that they should not be able to hold their rights. But I would like to ask a question. Some parties have been referred to by the gentleman from Laramie, Mr. Hay, as having organized a corporation, made their organization and invested their money, in doing that have they not commenced business?

Mr. RINER. The courts have decided that they have not.

Mr. COFFEEN. If you can state the courts have decided that, it will help us out in this case. But we want to prevent corporations from simply holding their franchises in bad faith and doing nothing at all, but if they are doing something in good faith, investing money in coal lands in good faith, as has been referred to here, then I stand in favor of protecting their rights.

Mr. MORGAN. I move as a substitute the following: "The general assembly shall not remit the forfeiture of the charter of any corporation now existing or alter or amend the same or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

Mr. RINER. There is one objection to that. We have already provided, and I think very properly, that special charters shall not be granted in any case, therefore the part referring to special charters should be cut out.

Mr. CHAIRMAN. The question is on the substitute. As many as favor the adoption of the substitute will say aye; contrary no. The noes have it; the motion is lost. The question is now on the amendment to strike out "business been commenced" and insert "been continued." As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—7. Contrary—9. The amendment is lost. The question now recurs on Sec. 3 as it originally stood.

Mr. RINER. I shall be compelled to raise the question of a quorum.

Mr. CHAIRMAN. As I understand it the question of a quorum cannot be entertained in committee of the whole.

Mr. RINER. As the matter was passed upon the other day it was decided that the question of a quorum can always be raised.

Mr. MORGAN. I decided the other day that the question could not be raised, and afterwards found that I was wrong and took it back. The question can be raised in committee of the whole as well as in the convention.

Mr. CHAIRMAN. The chair did not understand it that way.

Mr. MORGAN. I move that we pass this section for the present, and not take a vote on it now.

Mr. COFFEEN. I rise to second that suggestion in deference to Mr. Riner's wishes, so we can go on with the business and not lose any time.

Mr. HAY. I move to amend the motion of the gentleman from Laramie, Mr. Morgan, so as to make it that we pass over this file entirely and go on to the next file on the calendar.

Mr. TESCHEMACHER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that we pass over this file and go on to the next file. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next file is File No. 85, by Mr. Jones.

(Reading of the file.)

Mr. RUSSELL. I move when this committee rise it recommend this section for adoption.

Mr. JONES. Second the motion.

Mr. CHAIRMAN. It is moved that when we rise we recommend that this file be adopted. Are you ready for the question?

Mr. HAY. I am not quite clear about this and would like to hear a little discussion upon it. In order to bring it before the committee I move to strike out "in all mines."

Mr. FOX. I don't think this belongs in the constitution. It is legislative business and should be left to the legislature.

Mr. RUSSELL. I don't see why this should not be incorporated in the constitution. The question has been raised in Colorado, and they have incorporated a part of this in their constitution. We all know that eight hours is sufficient for any man or boy to be imprisoned in a mine. This would not interfere with the matter of contracts. He might contract to work sixteen hours. It would not interfere with contracts at all. I think it belongs in the constitution and that is where it ought to go. The mining people, in my part of the country particularly, requested that it should be put in there.

Mr. SUTHERLAND. I am in favor of this being incorporated in the constitution, as I think eight hours is long enough for a man to work in wet mines. I think eight hours is long enough for a man to stand working in cold water, and I am for that reason in favor of having it incorporated, and not trust to the legislature to pass such a law. I know there is always a chance to get around it. I have worked large shifts of men in Connecticut, where the same law was in force. The men could work longer under special contract, but I know it was taken advantage of by those under age, boys for instance, and the law was complied with to the letter in regard to them, and as long as the government has made eight hours an actual day's work, I don't think it is anything but justice to those who have to work below the surface of the earth for a living that we should pass this, as long as it is their request.

Mr. POTTER. I move to strike out all after the word work. I make this amendment for this reason: I don't see why a tax payer should pay his money out on shorter hours than an individual, and if eight hours is enough work for a city or state, it is enough for me. I believe a rule which is a good rule for one is a good rule for all, and if it is not a good rule for all, it is not a good rule at all.

Mr. SUTHERLAND. So far as its being a good rule, I referred to the mines. A number of years ago the brick layers and stone cutters called for eight hours as a legal day's work, and now every state in the union has accepted eight hours as a legal day's work.

Mr. POTTER. If it is long enough to work for the state why is it not long enough to work for me? Why should he work less for his money for the state than for me?

Mr. SUTHERLAND. I don't know why. I believe if you hire a man I will guarantee that the first thing that you will do is to state to him whether he is to work for eight hours or ten.

hours, and you will pay him so much an hour. That is the way it is done. I have worked in coal mines, and for a man to stand drenched with cold water longer than that is not right, ten hours is too much.

Mr. HARVEY. What is the object of this law; to contract for ten hours and work for eight hours under the contract?

Mr. RUSSELL. In answer to that question, I will state the object of this law. A young man who cares for education, being compelled to work in a coal mine, say ten or twelve hours, it allows him little time or opportunity to study or improve himself, little time for recreation and study, but with eight hours, he will have plenty of time to study and educate himself, and this is largely for the purpose to give the boys a chance. There is no question but there are hundreds of men in this territory who would rather work sixteen hours than six, and they can do it if they wish, but it is the opinion of the intelligent men that eight hours is sufficient to work in these mines, and as I said before, it is to give the youth who have to work in these mines and help their fathers support the family, an oportunity to educate and improve themselves.

Mr. POTTER. Why do you confine this to mines and to state and municipal works? Why should eight hours be confined to that class of work? Why should a man who works on a store building be compelled to work longer than a person who works on a statehouse? If eight hours is enough for one kind of work, why is it not enough for all kinds?

Mr. SUTHERLAND. All the trades unions in the country have adopted this eight hour system; where contracts are made the contractors are all in favor of the eight hour system. A man will do almost as much work in eight hours as he will in ten. You have a fresh man where you have a tired one when he works ten hours. The stone cutters like it better, the brick layers like it better, and all over the east this system prevails.

Mr. HOYT. I agree with my colleague that this is legislation, but we have done considerable legislation, and this covers but one or two lines in the constitution. This is an age of human sentiment, and great progress has been made in the consideration of this question of labor, and the interests of the laboring classes. I recollect very well when children worked fourteen and sixteen hours in the factories until the intelligent people and the legislatures in the states east of the Mississippi and in the northeastern states, where these great factories are, came to the rescue and saved these young children, from their drudging toil which was wearing out their lives while they were yet young. I have never had, I think, so much sympathy for any one as I have for these men who work in the mines, who go beneath the surface and toil in the dark for hours, in the damp, unwholesome atmosphere, until their lives wear out while they are yet young. Now inasmuch as this does not require a man to pay any more for so much work per hour than if he worked sixteen hours, this will give the men a little time for study and recreation, and I am in favor of this proposition, and yet I think, as Mr. Potter does, if eight hours is enough for a day's work on state and municipal works why is it not enough for all work? I think it should be conceded as a general proposition, that eight hours work is enough for any man, and I hope to see the time when eight hours will be, when men shall not be required to work from hour to hour with little time to devote to the cultivation of mind, and his family and the comforts and enjoyments of home life.

Mr. JONES. It is a matter of fact that the statutes have a similar section to this in regard to employment on state and municipal works, while we miners who labor under the surface are compelled to work longer. Eight hours is long enough for a man to work in the damp, impure air of a coal mine. I introduced this section at the request of the miners of Uinta, and I hope it will pass.

Mr. BROWN. I want to present another view of this question for the consideration of those gentlemen who represent the laboring interests of this country. I remember last winter the railroad company was talking about cutting down the work in the shops to eight hours a day, and there was a howl went up against that sort of thing, and by the laborers themselves. There is another thing in reference to this same matter. I heard a gentleman on this floor say a few days ago that he would not dare to go home among his people if a measure of this kind was adopted, and he lives among a mining people. The idea was that if this eight hour system was adopted as a matter of law all these companies would enforce it whenever they took a notion, and there would be no way of getting around it. Now take it in a mine. A man cannot go and work as he pleases and as long as he pleases, or as short as he pleases. If he goes into a mine to work and they are employing men upon the eight hour system, when the eight hours are up he goes out and someone else goes in there to take his place. There are many men in the mines who are not willing to work under this eight hour system, and I think that a great majority of them will be found to consider that the adoption of such a proposition as this would work a great injury to them. You take it where you are working under the eight hour system, and when that system is adopted by a mining company, they arrange it with their employes so that their men are changed whenever the eight hours expire, and they make that arragement with all their employes. I have never yet seen a mine where that system could be adopted and followed without cleaning out every man who went in there at the end of eight hours, or let him work for sixteen hours if he wants to. That is the only way you can arrange it. I don't believe therefore that this is a thing that laboring men want. The gentleman from Uinta says we want it there. Another mining man from Carbon says we don't want it, and it is the very last thing in the world that we do want. I don't know how these gentlemen are going to settle it between them. It might work well in its application to children, but my own idea about it is that children should never be allowed to go into mines at all, and those that let their children do it don't do their duty.

Mr. HOYT. I agree with Judge Brown that the mines are no place for children, but this does not reach the difficulty. Now if all the miners in the state really desired this to be placed in the constitution they should have petitioned this body to do it and we should have had some sort of an expression from the miners of the territory in regard to it. If we put it in the constitution necessarily that rule applies all over the territory, and the only question in my own mind is as to whether they want it or not.

Mr. JONES. Of course we don't expect to earn as much in the eight hours as we would in ten, working by the piece, If we can make three dollars and a half in ten hours and only three in eight we are willing to take it, for the purpose of educating our children.

Mr. HOLDEN. I presume I am in the same boat with the majority of the members of this convention, I don't know anything about this matter. But as I infer from my colleague here the object of this thing is simply this: Under the present regime these men go into the mines at seven o'clock in the morning, and are compelled to remain there until six o'clock in the evening. Now they tell me that they work by the ton, that is so much money for so much work, so much for mining each and every ton of coal. They tell me that they are only able to work part of the time they are down there, but they are compelled to remain there, without doing anything at all. Now in order to send their sons to school, as I understand it, they do not wish to be required to remain down in the mines longer than eight hours each day, that the boys shall not be required to remain down there longer than eight hours each day. If the men are strong and healthy and desirous of making more money they might remain longer, and they would certainly be paid for it.

Mr. RUSSELL. This may appear to you gentlemen a very simple thing in your minds, simply because you are not miners. My colleague and I have been miners for the last twenty-five years, and we know what we are talking about, and I wish you gentlemen to understand that I made the statement here that it was at the request of the miners of our county, I had this article introduced here. I don't know anything about this opposition from Carbon county. I know there are many miners that this would not suit at all, but I say the intelligent class of miners wish the measure passed. This eight hour system may reduce my wages, but they will reduce my wages anyhow and I will have to work ten hours. It is a question of supply and demand. Now, gentlemen, I hope this will pass and be embodied in the constitution.

Mr. PRESIDENT. The question is on the motion that this file be reported back to the convention with the recommendation that it be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The next thing on the general file is the proposition on education.

Mr. RINER. I move this file be made special order for Thursday morning. Governor Baxter and one or two others are much interested in this question and would like to hear it discussed.

Mr. PRESIDENT. The question is on the motion that the educational file be made special order for Thursday morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I move the committee now rise and report.

Mr. CHAIRMAN. The question is now on the motion that this committee rise and report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will rise and report.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. CAMPBELL. I move the report be adopted.

Mr. PRESIDENT. The question is on the motion that the report of the committee of the whole be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move we now adjourn until 9 o'clock tomorrow morning.

Mr. PRESIDENT. The question is on the motion to adjourn. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The convention will adjourn until tomorrow morning.

TWENTIETH DAY.

MORNING SESSION.

Tuesday, Sept. 24, 1889.

Convention assembled at 9 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Roll call.

Reading of the journal.

Mr. PRESIDENT. Are there any corrections to be made to the journal? The chair hears none. The record will stand approved as read.

Introduction of petitions, etc., are now in order.

Reports of standing committees. Any reports this morning?

Reports of special committees.

Final reading of propositions.

Mr. TESCHEMACHER. If the convention will wait five minutes the engrossing clerk will have two bills ready for final passage.

Mr. PRESIDENT. Gentlemen, there appears to be no business upon the table this morning to engage our attention, and we are ready to go into committee of the whole for consideration of the general file.

Mr. RINER. I move we go into committee of the whole for consideration of the general file.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. It is moved that we now go into committee of the whole for consideration of the general file. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. Will Mr. Coffeen of Sheridan take the chair?

We are now in committee of the whole, gentlemen, Mr. Coffeen in the chair.

Mr. CHAIRMAN. The first file in the hands of the committee seems to be the article on corporations. Substitute for Files No. 11, 38, 42 and 72.

Mr. RINER. I must raise a point of order. Did we not make the file on education the special order for this morning?

Mr. BROWN. The motion did not prevail.

Mr. RINER. I think it did.

Mr. BROWN. A motion was made to make the educational file the special order today, but it was passed over. The motion did not prevail, and the record so shows.

Mr. CHAIRMAN. If the chair is correct Secs. 1 and 2 of this file have been considered.

(Reading of Sec. 3.)

Mr. MORGAN. Were there any amendments pending to that section? I wish to offer an amendment.

Mr. CHAIRMAN. Some amendments were offered, but not carried.

Mr. MORGAN. I wish to amend Sec. 3 by inserting between the words "constitution" in the third line and "shall," the words "and who do not accept the provisions thereof," thus giving them the privilege of accepting the provisions of the new constitution and thereby retaining their organization.

Mr. BROWN. Why not strike out the words "begun business, etc." If they accept the provisions of the constitution that is sufficient.

Mr. MORGAN. I accept the amendment.

Mr. CHAIRMAN. The amendment is before you for discussion.

Mr. RINER. I would like to have the proposed amendment a little broader than stated by Mr. Morgan. I would like to see a provision attached to this or to some other section, that no corporation shall do any business in this territory without accepting the provisions of this constitution, and making them all subject to legislative control. If you take out the words in relation to the business of the company, and insert a provision that they shall not do business unless they do business under this constitution, whether foreign or domestic corporations, it can work no hardship to anyone, and will thus bring them all subject to legislative control completely.

Mr. MORGAN. I second that. I think it is the best one made yet. I congratulate him.

Mr. CHAIRMAN. Would it not be advisable to have one amendment at a time. The chair will state, with your permission, while considering, that if you look at Sec. 6 you will notice that there is a provision there in regard to accepting the provisions of this constitution, but it may not be as broad as the amendment suggested by Mr. Riner. It may be best to put that amendment in connection with that section. Will the gentleman state his amendment again, so the chair may understand it.

Mr. RINER. I offer as a substitute to Sec. 3 as it now stands the following: "All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which formed, and which shall not have been maintained in good faith to the time of the adoption of this constitution, shall thereafter have no validity." That with the following Sec. 6 puts the mater just where we want to put it.

Mr. MORGAN. I withdraw my amendment so this can come in as an original.

Mr. CHAIRMAN. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried. Any other amendments?

(Reading of Sec. 4.)

Mr. RINER. I would like to suggest an amendment to that. This section provides for the increase of stock in corporations with consent of the persons holding the larger amount in value of the stock. I don't believe that ought to be left in that shape. I want to strike out the words "the larger amount in value of stock" and insert "two-thirds of the value." I don't believe that a majority should have the power to say that the stock should be increased or diminished. They might have a little difficulty perhaps in making a showing as to the value.

Mr. BROWN. Say two-thirds of the par value.

Mr. CHAIRMAN. Is there a second to the amendment?

Mr. BROWN. I second the motion.

Mr. CHAIRMAN. It is moved and seconded to strike out the words "the larger amount" and insert "two-thirds of the value." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it: the motion is carried.

Mr. MORGAN. I think "or diminished" ought to be added. I make a motion to that effect.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved to amend by inserting "or diminished" in the fourth line after the word "increased." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

(Reading of Sec. 5.)

Mr. BROWN. I move that the words "shall be void" be added to the fifth line.

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the words "shall be void" be added to the fifth line. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. FOX. I am opposed to this section. It is not reasonable. Most of the corporations or companies throughout the United States now are limited. Any association of two or three persons engaged in a mercantile business, you will find are limited, throughout the states. The object in having them limited is this. as I understand it: A person is interested in a corporation, and holds a certain amount of stock, two or three shares at one hundred each. If organized "limited," and that concern goes into bankruptcy, the man is liable only for the amount of stock he holds. If not limited he is liable for all he has got, and I think that it is proper if persons desire to go into a corporation limited they should do so. That is a plain statement of the facts as I understand them, and I am opposed to this section.

Mr. CAMPBELL. I think you mistake the reading of the section.

Mr. BROWN. The criticism might be made whether the reading of this does not make it mean more than is intended.

Mr. FOX. I move the whole section be stricken out.

Mr. CHAPLIN. There is a great argument in favor of adopting Sec. 5 of this bill in Wyoming. On several occasions men have been killed in this territory, and their families were prohibited from recovering more than two or three thousand dollars, while if he should break his leg he might recover ten or fifteen times that. That is the reason for putting that in here and it ought to stand.

Mr. HOYT. In order to get at the evident purpose of this section. I move to strike out all of the section down to the word "law" in the second line, and insert the word "no," so it will read "no law shall be, etc."

Mr. CHAIRMAN. I already have one amendment to this, an amendment to the extent of striking out the whole section, and I doubt if that can be amended to the extent of striking out only a portion of it.

Mr. RINER. I want to ask whether or not under this section the question whether a corporation is guilty of negligence or not, would be considered? Would it deprive a corporation of any defense they might have? I think it so far as a piece of legislation, the most vicious thing in this bill. I believe the legislature ought to fix the maximum in every case. They fix it under the law as it now stands in every case of death, and many times the question of negligence is not considered, and they settle on a basis of five thousand dollars, and the parties get that. That is the miximum under the statute now, and if you leave the matter open, while I admit it is a good thing for the railroads. I don't believe it is a good thing for the parties interested in the final result. I believe it ought to be left to legislative control.

Mr. BROWN. Why have a maximum?

Mr. RINER. In order that settlement may be made upon a basis fixed by the legislature without litigation. It has that effect.

Mr. SUTHERLAND. I would like to ask Mr. Riner how many five thousand dollars have been paid for the boys who have had their brains knocked out on these snow sheds, or to their heirs? I would like to ask how many have been paid for at the rate of five thousand dollars?

Mr. RINER. We have settled on that basis.

Mr. MORGAN. I don't see why any maximum should be fixed for damages to persons injured or killed. You might as well fix by law the maximum at which I shall sell my house. I think a man ought to have the right to settle on the very best grounds he can get. It is an interference with human rights it seems to me. It can't injure any one to leave it just as it is in this provision.

Mr. CHAIRMAN. The question is on the amendment to the amendment. If you accept this amendment it will read: "No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person." Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion is carried.

(Reading of Sec. 6.)

Mr. BROWN. As an amendment to Sec. 6 I move to insert in the first line of the section, after the words "laws of," the words "Wyoming territory or." The first line will then read as amended: "No corporation organized under the laws of Wyoming territory or of any other jurisdiction." After the word "state" in the second line strike out "and doing" and insert "shall be permitted to do." Then again in the same line after the words "this state" insert the word "or." The section will then read: "No corporation organized under the laws of Wyoming territory or of any other jurisdiction than this state, shall be permitted to do business in this state, or shall be enitled to acquire title, etc." That would bring in domestic corporations.

Mr. BAXTER. Why not strike out "or to acquire title" all after that down to the word "until."

Mr. BURRITT. It does not seem to me that the provision is necessary.

Mr. BROWN. I accept the amendment.

Mr. CHAIRMAN. The amendment proposed to Sec. 6 makes it read as follows: "No corporation organized under the laws of Wyoming territory or any other jurisdiction than this state, shall be permitted to do business in this state, until it shall have accepted the contstitution of this state, and filed such acceptance in accordance with the laws of this state." Are you ready for the question. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. JEFFREY. I would suggest that the word "transact" would be better than "do." I move to strike out the word "do" and insert "transact."

Mr. BAXTER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the word "do" be stricken out and "transact" inserted in lieu thereof.

All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BAXTER. I don't like the reading of the last part of the section, using the words "this state" so much. I move to strike out "this state" and insert "thereof" in the last line.

Mr. CHAIRMAN. It is moved and seconded that the words "this state" in the last line be stricken out, and the word "thereof" inserted in lieu thereof. All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

(Reading of Sec. 7.)

Mr. HARVEY. I see no necessity for that section at all. It ought to go in the legislative file, as it refers to legislation.

Mr. FOX. I move to strike out Sec. 7.

Mr. CHAIRMAN. It is moved and seconded that Sec. 7 be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 8.)

Mr. CHAIRMAN. Any amendments to Sec. 8? If not Sec. 9 will be read.

Mr. FOX. I don't know as I am quite satisfied in regard to Sec. 8. A corporation might be engaged in mining and milling, that is two lines of business. They ought to have the privilege of doing that.

Mr. CHAIRMAN. Does the gentleman move to amend?

Mr. FOX. I have no motion to make, but I just call the attention of the convention to this matter, so they may consider the matter.

Mr. BURRITT. I don't like this section. I move to strike it out.

Mr. MORGAN. I think there will be no trouble about this section if you will look at it. No corporation shall engage in more than one general line of business. If it is a manufacturing corporation they shall manufacture one line of goods; if a transportation company they shall only transport goods.

Mr. TESCHEMACHER. I think there are very serious objections to this. So many of our corporations have to do different kinds of business. Take for instance a company organized for constructing a ditch, and for cattle raising, those are two different industries, yet there are many companies in this state that are organized for carrying on these two branches of business, and one is necessary to the other. Take for instance a corporation like the one I represent, the John Hunton company, it is organized for the purpose of breeding cattle in this country, fine stock and for other purposes, to acquire lands and to bring water on to them to raise hay. Now under this we would have to organize another corporation for the purpose of taking out a ditch, for a ditch cannot be taken out by the same company. Now it costs you a hundred dollars to get out your incorporation papers, for your incorporation certificate, and it makes a company go and pay out an extra hundred dollars for the exact same purpose, and makes it a mere straw corporation, for a company that takes out a ditch under these circumstances is merely a straw corporation.

Mr. BAXTER. I thing the gentleman is rather straining at a gnat. I think this is all right. If a company is organized for the purpose of raising stock they will need hay and if they want to build a ditch for the production of hay they can do it and raise their hay. The idea is simply this: Take a railroad company that is interested in coal mines, they transport that coal at their own rate and thus discriminate against the general public, it is a part of their property and they claim they are doing the public no injury, but if the company has no connection with the mine then they are compelled to charge the same rate as they would every other company transporting coal, and which may not be owned by people who own the railroad company. This is what this is intended to cover.

Mr. TESCHEMACHER. I thought we were all through with the railroad bill. This is the corporation bill and has nothing to do with the railroads. Mr. Baxter may think that a hundred dollars is straining at a gnat, but I don't.

Mr. BROWN. I am in favor of this. I think that it is true that no corporation can engage in any business except such business as is expressly stated and set forth in its articles of incorporation. That is our corporation law as I remember it. Now this goes a little further than that, a good deal further, as my friend says, and restricts a corporation from engaging in any business other than a single line of business. Now the question is, do we so desire to restrict them? If this article becomes a law a corporation cannot be formed to engage in several distinct kinds of business. Do we want that restriction, is the question? In my judgment we do. I wish to say a word now in answer to the proposition presented by my friend, and I desire to say that I think his fears are not well founded. Suppose for instance a man, or a number of men, form a corporation for the purpose of engaging in stock raising. Now it is a rule of corporation law that is as well settled as any law can be, that everything incident to the main business named in the articles of incorporation can be carried on by that corporation. Supposing that a corporation is formed for the purpose of engaging in the stock business, as an incident of that business there is the necessary ownership of land. As another incident there must be a way provided for feeding and caring for the stock. That is a necessary incident of the business. Now if it is further necessary, in order to grow feed, that you must irrigate your land, there is not anything in the world that can prevent a company organized for that purpose from constructing its own ditch and irrigating its lands, because that is a matter incident to the original business as stated in the articles of incorporation, and I don't believe that there is any court in existence that would deprive a company so formed of the right to construct a ditch. If I am wrong about that, and there is any lawyer here who differs with me, I should be glad to hear an expression of opinion upon that subject.

Mr. CAMPBELL. Take for instance the oil wells in Fremont county. In order to make the product of those wells of any benefit whatever, they will have to transport it to a railroad. Would you compel the owners of those wells to form a new corporation for the purpose of constructing a pipe line to transport it to the Union Pacific or the Northern Pacific?

Mr. BROWN . I would. I answer my friend directly. I say that is one thing that we need to prevent, it is to prevent a mining company from transporting its product to market independent of the rules regulating transportation. I believe we ought to have this restriction in order to prevent that sort of thing. I don't believe in a railroad company engaging in mining. Now the Union Pacific railroad company, and I use this as an illustration, is created by act of congress, for the purpose of carrying freight and passengers for hire. It can properly engage in no other business. The courts have decided that as often as the question has been brought up, it can engage in no other business lawfully. But do you say that because it cannot engage in any other business it cannot mine? We cannot say any such thing. And no court will say that, and why? Because the mining of coal, the procurement of coal, in some way, is a necessary incident of the business. A railroad cannot run without fuel of some kind, they must have it, and therefore for the purposes of the road, the Union Pacific, or any other railroad company, may mine coal for its own uses, but right here the whole thing stops. The Union Pacific railroad company if it handles coal, and becomes a merchandiser in that respect, it does so in violation of the terms of its charter, and ought to be restrained. Railroad companies are created for the benefit of the public in the transportation of freight and passengers for hire. It should be limited to that business, and not permitted to engage in any other. I don't believe in merchandising corporations engaging in any other business save the business of merchandising, and when you allow them to cover the whole field of business, you are interferring with the rights of others, and you are creating a kind of corporation that will never last long, because of its bulky character, and one which of its own weight will destroy itself. So then as to this section. I believe it is a necessary thing. We should not strike it out, and whenever a company or corporation, created for one purpose, proposes to engage in another and different kind of business, they may be allowed to do so by putting other articles of incorporation on file, which will restrict them properly by law to the conduct of their business, and not be incorporated for a dozen different purposes, and let every corporation be restricted to one line of business. If my colleague had lived in western Pennsylvania I believe he would have understood the oil pipe line business better. To allow a corporation engaged in mining oil to also maintain a pipe company for the carrying of their oil to market, would be simply saying what the Standard Oil company has said to all the oil men of Pennsylvania, who owned wells: I propose to buy your wells, I propose to fix the price, and I am the only buyer, because no person has the facilities to transport that oil, and they put up the freight rates so high that an outside owner could not afford to transport his oil. It would take a long time to discuss this matter fully, but I believe with the knowledge we have before us, we ought not to allow common carriers to engage in any other business than the legitimate one for which thew were organized.

Mr. BURRITT. It seems to me that this is directed toward one class of corporations, and should read "No common carrier shall have power to engage in more than one general business." I have been listening very attentively to hear a single argument for retaining this section in this corporation file, and have not heard one yet. But I would like to ask Judge Brown a question. I would like to ask if the Union Pacific railway company has no provision in its charter which authorizes it to deal in coal, and if it does deal in coal, is it not an abuse of its charter, and is there not a legal process of depriving them of their charter, or for correcting that abuse of its charter? The first section of the bill provides that all laws relating to corporations may be altered, amended or repealed by the legislature at any time when necessary for the public good and general welfare, and all corporations doing business in this state may as to such business be regulated, limited or restrained by law. not in conflict with the constitution and laws of the United States. Now in the first two sections of this bill we have provided that the legislature shall regulate these corporations, so why is it necessary that we should go to work and legislate in this constitution to regulate them ourselves. Let us be consistent. We say in the first section that we leave it to the legislature and then we go on and do it ourselves.

Mr. REED. It seems to me that Sec. 8 refers to one matter that none of the gentlemen happen to have touched upon. I refer to the truck store in connection with coal mines, and if I am not mistaken the whole section refers more to that than to anything else, and which is a thousand times worse than any of these other matters that have been referred to, and I say it is put in there for the purpose of shutting them down.

Mr. POTTER. I have been trying very hard for some time to understand this matter, and as far as this section is concerned I want to do what is right, but I have not yet heard a single argument, save the one suggested by Mr. Reed, that does not refer to railroad companies engaging in mining, and I suggest that we change it so that it read "no transportation company shall engage in more than one line of business."

Mr. BURRITT. I wish to make a few remarks. I desire to say a word for the little corporations that have not got the millions of the Union Pacific or Standard Oil company behind them. I had in mind when this section was passed a little company in my home, the Buffalo Milling company. They are incorporated for the purpose of milling flour, and running a flour mill. It is a little mill and is helping to develop the resources of that country, making a good quality of flour, but it don't pay anything, the flouring mill part of it, and to enable them to keep the thing going they have also taken the contract for supplying the city of Buffalo with electric light, and supplying Buffalo with water. The Buffalo water and light supply is all furnished by the Buffalo Milling company. In Sheridan there is the Sheridan Manufacturing company. They have a flouring mill up there and they do certain other things up there, and it is absolutely necessary for them to do something of that kind to get anything out of it until the country is sufficiently developed. Now as I have stated, I have no objection to limiting this to a certain class of corporations. So I say, give us a chance, don't shut down our mills with a constitutional provision, so that we cannot develop the northern part of the territory of Wyoming. In additon to that there has been a large ditch company incorporated, they will construct large ditches, build reservoirs, and all that sort of thing, and do it at a great expense, and in order to pay them they have got to establish a colonizing scheme and that sort of thing. I might go on indefinitely with this class of corporations, you can hurt common carriers as much as you like, but don't take all our powers away under this constitution, and cripple our domestic and small home industries.

Mr. MORGAN. I move to amend by inserting after the word "no" the words "common carriers or mining corporations."

Mr. FOX. I object to that, because I think a company engaged in the mining business should have the right of smelting also.

Mr. BROWN. I want to make some inquiry about this. I see Sec. 9 reads as follows: "All corporations engaged in the transportation of persons, property, mineral oils, and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines and telephones, are declared to be common carriers." Is a pipe line, under this provision of the constitution, that is established by a person for the sole purpose of conducting his property to market, made a common carrier?

Mr. POTTER. You cannot do it.

Mr. BROWN. If you put in here the words "for hire" then you come within exactly the line of the law as to this thing.

Mr. CHAIRMAN. We are discussing Sec. 8.

Mr. BROWN. Allow me to suggest we are discussing it in connection with Sec. 9. Now I don't believe under this section as is now proposed that it will meet the evil that we want it to meet. Now take a pipe line for instance. If I want to construct a pipe line from the oil fields to Denver, or any other place, and I have the necessary money to do it with, I can construct that line and transport my own product that comes from the mines and you cannot restrict me.

Mr. POTTER. How will you get your right of way? You cannot condemn it.

Mr. BROWN. Buy it. I can get my right of way and construct my line and carry my product to market whenever I please, and there is nothing in this constitution to prevent it. With the words for hire fixes that.

Mr. RINER. Suppose you can't get your right of way, then you cannot construct.

Mr. BROWN. I have never yet seen anything that could not be purchased, and when I say this I am speaking of material things and not the consciences of people. Now if a man constructs a pipe line and owns a well, and ships his own product to market, you cannot make him a common carrier, for he is only transporting his own product. and does not carry it for anybody else, and is in no sense a common carrier, for he is only transporting his own product in his own way, but if he cannot incorporate as a mining company and for the purpose of transportation at the same time, then they are two separate and distinct corporations, and the man who transports the product of another corporation, must do it for hire and comes within the terms of a common carrier, and the mining regions are not left to the mercy of a corporation that may be incorporated for two purposes, and then say we are only transporting our own product.

Mr. HOYT. Suppose you own an oil well and also construct a pipe line, the pipe line is owned by a corporation in one name, and the oil well by a corporation in another name, but you own stock in both, the one mining the oil and transporting it; am I not handling my own product?

Mr. BROWN. You cannot do it. The very instant that I undertake to carry the oil, notwithstanding that I own all the stock in the other corporation, that very instant I become a common carrier, and every other producer can compel me to transport his oil.

Mr. TESCHEMACHER. I simply wish to call the attention of the committee of the whole to the fact that we are considering here what I suppose to be the general incorporation bill. We have two distinct committees, one on railroad corporations and one on general corporations. Now the railroad committee brought their bill in here and it was discussed, and was passed by the committee of the whole, and finally passed before this convention. All of a sudden the general corporation committee comes in here with a bill, nearly all of which so far has referred to the common carrier business. This corporation bill is practically a bill brought in here to prevent corporations from coming into this territory. The main object seems to be that corporations are bad things, and we want them stopped, and the more we can do to prevent corporations coming in here the better it will be for the welfare of the territory, or the future state of Wyoming. If that is the case, I propose to work against every section of this corporation bill.

Mr. CHAIRMAN. The question is on the adoption of Sec. 9. Any objection? Sec. 10.

Mr. POTTER. I desire to amend Sec. 10. After the word "corporations" insert "or individuals."

Mr. HARVEY. I move to strike the section out.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question now recurs on the original motion to insert the words "or individuals." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended. Sec. 11.

Mr. CAMPBELL. I move it be stricken out.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The ayes have it; the section will be stricken out. Sec. 12.

Mr. JEFFREY. I move it be stricken out.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The ayes have it; the section is stricken out. Sec. 13.

Mr. BURRITT. I move to strike it out. It is altogether unnecessary.

Mr. FOX. I think that should remain there. It settles it beyond any doubt.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Sec. 14.

Mr. RINER. I move to strike it out.

Mr. HAY. I am decidedly in favor of Sec. 14, for it is the only evidence in the whole bill that the people are disposed to encourage corporations at all.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Sec. 15.

Mr. FOX. I move Sec. 15 be stricken out.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. BROWN. I move when this committee rise they report back this file with the recommendation that it be adopted as a part of the constitution.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I move this committee rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. COFFEEN. I move the report be adopted.

Mr. PRESIDENT. It is moved that the report of the committee of the whole be adopted. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move we take a recess until 2 o'clock.

Mr. PRESIDENT. It is moved we take a recess until 2 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The convention will take a recess until 2 o'clock.

AFTERNOON SESSION.

Tuesday afternoon, Sept. 24.

Mr. PRESIDENT. Convention come to order.

Are there any members of the convention in the committee rooms?

We are still short. I would like to proceed with the final consideration of some of these matters that have been passed, but it requires a roll call, and that would disclose the fact that we are without a quorum.

Mr. BURDICK. On behalf of Mr. Jeffrey, who is a little late, I desire to say that Committee No. 5 has a report to present, and recommend that it be printed.

Mr. PRESIDENT. Is there objection to the report being received and read at this time? The secretary will read the report.

Mr. TESCHEMACHER. In order to get this out of my possession, Committee No. 19 desire to report that they have made File No. 76 on apportionment and the legislative report, conform, and they herewith return the two files.

(Reading of report of Committee No. 5, substitute for Files 5, 6, 10, 23 and 64.

Mr. BURRITT. I move this file be ordered printed.

Mr. PRESIDENT. It is moved that this substitute be referred to the printing committee. Are you ready for the question? All in favor of the matter reported by the committee as a substitute being ordered printed will say aye; contrary no. The ayes have it; the motion to print prevails.

Gentlemen, there have been reported by the engrossing committee several files ready for final reading and passage. It is out of order to bring them up at this time, but if there is unanimous consent they will be brought up and put upon their final passage. The chair hears no objection to the consideration of the files and their final passage at this time. The question is upon the final passage of File 84. In order that the convention may be informed I will read Sec. 1.

(Reading of Sec. 1.)

Does the convention desire to amend?

Mr. COFFEEN. I move to strike out the words "on such matters and."

Mr. CHAPLIN. Second the motion.

Mr. PRESIDENT. The motion is to strike out "upon such matters." All who are of the opinion that those be stricken from the bill will say aye; those opposed no. The ayes have it; the motion to strike out prevails. Are there any further amendments? If there are no further amendments the proposition will be finally read and placed upon its final passage. There being no further amendments the secretary will read the bill.

(Final reading of File No. 84.)

So many as are of the opinion that File 84 be adopted as a part of the constitution of Wyoming will say aye as their names are called; contrary will say no. The secretary will call the ayes and noes.

Mr. BURRITT. I desire to explain my vote. I am of the opinion that the amendment just passed takes away from the legislature the power to regulate the jurisdiction of this court and therefore I vote no.

Mr. PRESIDENT. The vote on File 84 is as follows: Ayes, 27; noes, 1; absent, 18. Gentlemen, by your vote you have adopted File 84 as a part of the constitution of Wyoming.

The question is upon the final reading and passage of File No. 66. Are there any amendments? The secretary will read.

(Final reading of File 66.)

The question is upon the final passage of the file as read. So many as are of the opinion that this file should be adopted will say aye as their names are called; contrary no. The secretary will call the roll.

Mr. IRVINE. I would like to vote, but I don't know exactly how to vote.

Mr. PRESIDENT. The gentleman will vote aye or no.

Mr. IRVINE. No.

Mr. PRESIDENT. The vote upon File 66 is as follows: Ayes, 25; noes, 4; absent, 20. By your vote you have adopted File 66 as a part of the constitution of Wyoming. The question is on the final reading of File No. 50. This is the section on arbitration that was in the judiciary bill, referred back, considered in committee of the whole and reported back to the convention with the recommendation that it do pass.

The secretary will call the roll.

Mr. BAXTER. I desire to say in voting upon this measure that it seems to me that the provision in it by which you provide that differences may be submitted by the two parties, might possibly weaken the force of the arbitration bill already adopted, and for that reason I shall vote no.

Mr. PRESIDENT. Gentlemen, the vote on the adoption of the substitute for File 50 is as follows: Ayes, 24; noes, 5; absent, 20. By your vote you have adopted the substitute for File 50 as a part of the constitution. This disposes of the files reported for final passage. I beg pardon, I see there are some other matters. Those that have finally passed will be referred to the committee on revision. The committee has reported back the legislative and apportionment bills.

Mr. TESCHEMAHER. I move that Sec. 3 of the legislative file and Sec. 4 of the apportionment bill be read. These are the only two not in harmony.

(Reading of Sec. 3 of the legislative file and Sec. 4 of the apportinoment bill.)

Mr. CHAIRMAN. Final reading of what is now called a part of File 76, on the matter of apportionment. The secretary will read.

(Reading of the file.)

Mr. HAY. I have an amendment to offer. "In the event of the failure of the legislature to make the apportionment provided herein the last apportionment shall be legal, until such apportioment shall be made in compliance with the provisions of this constitution."

The reason I offer this is that the legislature might fail to make the apportionment, and we would be without any. The legislature did once fail to make the apportionment and we had to get congress to help us out, but congress could not help us out after we became a state.

Mr. PRESIDENT. What the gentleman says may be true, but I hardly think so. This report says that the legislature shall make an apportionment, and this would be the apportionment until they do so.

Mr. TESCHEMACHER. It also says that the legislature shall revise and adjust the apportionment for senators and representatives on a basis of such enumeration as provided by law.

Mr. HAY. But suppose they don't, how are you going to get out of the difficulty? Suppose the complexion of the legislature was equally divided, and they should refuse to make a new aportionment.

Mr. TESCHEMACHER. This very provision might be an inducement to them not to make another.

Mr. CAMPBELL. How can you compel them to do it? Suppose they refuse to do it; can you compel them in any way?

Mr. SMITH. It stands as it is until they do change it, and would stand whether you put in that provision any way.

Mr. MORGAN. If I understand this apportionment bill, until otherwise provided by law, the apportionment made by this convention continues to exist.

Mr. CHAIRMAN. The question is on the amendment of Mr. Hay. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes seem to have it. Division is called for. All in favor of the amendment offered by the gentleman from Laramie, Mr. Hay, will rise and stand until counted—11. Those opposed will rise and stand until counted—14. The amendment is lost. Are there any further amendments to be offered to the file? The chair hears none. The question is now upon the final passage of the file as read. Those who are of the opinion that the file be adopted as a part of the constitution will say aye; those opposed will say no as their names are called. The secretary will call the roll.

(Calling the roll.)

Mr. RINER. I want to say one word in explanation of my vote. I vote no because I think this apportionment is unfair, not only to this but to every other county in the territory. Hence I vote no.

Mr. PRESIDENT. The vote on the part of File 76, concerning apportionment is as follows: Ayes, 26; noes, 4; absent, 19. Gentlemen, by your vote you have adopted that part of the file as a part of the constitution of Wyoming. Final reading of File 76, legislative department.

(Reading of Secs. 1 and 2.)

Mr. TESCHEMACHER. I notice one unnecessary sentence in there "Except as is otherwise provided in this constitution." I move to strike it out; in the second line of Sec. 2.

Mr. PRESIDENT Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 3.)

Mr. COFFEEN. There is one provision that I think was settled by two or more votes, that each county shall constitute a senatorial and representative district, and it seems to have been omitted.

Mr. TESCHEMACHER. I think it is there unless it has slipped out.

Mr. BURRITT. I beg to call attention to the fact that according to the apportionment bill two counties may constitute a representative district.

Mr. COFEEN. The provision I refer to may be in the next section.

(Reading of Sec. 4.)

Mr. COFFEEN. It does not seem to be in there, so I move an amendment to Sec. 3 by inserting: "Each county shall constitute a senatorial and representative district."

Mr. PRESIDENT. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the adoption of the amendment as proposed by the gentleman from Sheridan will say aye; contrary no. The ayes have it; the motion stands adopted.

(Reading of Sections 5 to 10.)

Mr. CAMPBELL. I move to strike out that part not allowing a senator to hold any other office. Suppose a judge should die, and one of the best men in the territory to succeed him is a member of the senate, he can't fill that place. I think that is wrong to the people and to him. I don't see why a man should be debarred simply because the people have elected him to a seat in the senate. I move to strike that out.

Mr. COFFEEN. Second the motion.

Mr. HAY. I think that is all right. If a member of the state senate or of the house is elected or appointed to be a judge, let him resign from the legislative body and not hold both at once.

Mr. CAMPBELL. The motion is to strike out that portion of the section which prevents a person who is a member of the legislature holding any civil office in the state during the time for which he was elected. I don't think if he resigned it would make any difference.

Mr. MORGAN. The idea I presume is to prevent a man from using his legislative or senatorial position to get an appointment. That is what it is for.

Mr. CAMPBELL. I don't see how this provision would help that matter any, and as I see no reason why they should not hold office during that time I move to strike out all of Sec. 8, down to the word "no" in the second line of said section.

Mr. PRESIDENT. The motion is to strike out Sec. 8 down to the word no in the second line. "No senator or representative shall during the term for which he shall have been elected be appointed to any civil office in the state." Are you ready for the question?

Mr. FOX. It seems to me what is right for one is right for the other. The first of this section states that no senator or representative shall hold office during the term for which he was elected; and the last part that no person holding any office under the United States government or state shall be elected a member of the legislature. I think the thing is as broad as it is long, and the whole section ought to stand just as it is.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. RINER. We have heard so much about economy in this hall I want to offer an amendment to Sec. 8 of the printed bill, on purely economical motives. I see that the pay is fixed at five dollars per day. Now the United States pays only four dollars per day, and I think that is as high as it should be for the first legislative assembly of the new state. I therefore move to strike out the word "five" and insert "four," thus making it conform to that of the first legislature, and that the time for the first legislature shall be ninety days, instead of one hundred and twenty days, and that the word "sixty" in the sixty-sixth line be stricken out and "forty" inserted in lieu thereof.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? To amend Sec. 8 of the printed bill by striking out the word five and insert the word four. Are you ready for the question. All in favor of the motion will say aye; contrary no. The noes seem to have it. A division is called for. All in favor of the motion to strike out will rise and stand until counted—13. Those opposed will rise—14. In the negative. The motion is lost. The motion now is to strike out the words one hundred and twenty and insert ninety. Are you ready for the question?

Mr. MORGAN. The committee considered this very carefully. I was inclined to favor ninety days, but concluded that would not be long enough for the first session. They will have to form many new laws and put them in operation, and I think it would require one hundred and twenty days.

Mr. CLARK. It seems to me that they would be unable to employ more than ninety days, unless they should continue in the way we began, and I am therefore in favor of the amendment.

Mr. RINER. The reason I offered this amendment was that it had been suggested to me by a number of citizens that to get a favorable consideration of this constitution the question of economy must be very carefully looked to, and this matter was called to my special attention. Here we provide for a more expensive government than the United States has allowed us, namely one dollar additional compensation, increasing the first session from sixty to one hundred and twenty days, and making all the sessions sixty days. The first thirty out of the sixty days goes about as it has done in this convention, members going home, and discussing the rules, and not getting down to work until the last thirty days. I believe we will get better legislation and save a great deal of expense in this way. I offer this amendment on purely economical motives, and because of the suggestions made to me by parties interested in the success of this constitution, and the expense that this constitution will provide for. As far as I am personally concerned I care nothing about it.

Mr. COFFEEN. Most of the constitutions that have been lately framed have recognized the fact that to make a complete code or anything near it under the constitution will require a great many days work, and ninety days I do not think sufficient. I believe one hundred and twenty days is small enough, for the first legislature will have a great deal to do.

Mr. CAMPBELL. The expense saved would be $7,350.

Mr. PRESIDENT. Any further remarks? The question is on the motion to strike out one hundred and twenty and insert ninety. All of the opinion that the motion to strike out and insert prevail will say aye; contrary no. The ayes have it; the motion prevails. The question is now on the motion to strike out the word sixty and insert the word forty. All in favor of the motion will say aye; contrary no. The noes seem to have it. A division is called for. All those in favor of the motion will rise and stand until counted—18. Those opposed will rise—8. The motion to strike out and insert prevails. Any further amendments?

Mr. RINER. We have saved by that the expense of the supreme court for two years.

(Reading of Secs. 9, 10 and 11.)

(Reading of Secs. 12 to 19.)

Mr. BURRITT. I move to strike out the word "lieutenant governor" in the fifth line.

Mr. PRESIDENT. Gentlemen, you have heard the motion to strike out the word lieutenant governor. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. CAMPBELL. If not out of order, I would like to move a reconsideration of the vote on the motion to strike out "five" and insert "four." I have been figuring and I see you will save a great deal of money by fixing four dollars a day for senators and representatives. I figure that you would save $1,360. I voted for five before, so believe I am in a position to move a reconsideration of the vote.

Mr. PRESIDENT. The question is on the motion to reconsider the vote on the amendment to strike out the word five and insert the word four, by which the amendment was lost. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to reconsider the vote prevails. What is your pleasure, gentlemen?

Mr. COFFEEN. The question now coming up is to vote again on changing the compensation from five to four dollars per day. It seems to me a move is being made here as if to justify the expense of a supreme court by cutting off all they can on the legislature. I am satisfied that we are going to have a supreme court, we have finally decided upon that, but should we take the position that we will curtail the legislature both in time and compensation, and thus save the expenses of the supreme court, and make that an excuse for spending so much on the supreme court. I say you should not cripple the legislature in its ability and power to make laws. I think you have done one of the very wost things in cutting down the first session to ninety and the other sessions to forty days.

Mr. BURRITT. I desire to put in a very modest protest against the reduction of this salary from five to four dollars. The legislative assemblies of Wyoming for years past have been passing joint resolutions to congress asking for increased pay. The fact is in the northern part of the territory, represented by myself and my associates, the only way we can get a man to attend the legislature is for some prominent citizens of both parties to come together and agree to stand by him in his business while he is away, and it is a matter of fact that every member of the legislature for the last three or four years has been obliged to call upon the people at home for assistance either in their business or otherwise, and it is a pretty hard matter to get a man of any ability in Sheridan or Johnson counties to come to the legislature. While I am on my feet I desire to put in a very strong protest against the cutting down of the first session of the legislature from one hundred and twenty days. I do that, sir, for the reason that the judges of our supreme court in holding their last session have found it necessary to say that about the first thing that should be done in the eleventh legislative assembly should be the introduction of a joint resolution, and see that it was passed, repealing the present statutes of Wyoming. With all due respect to the compilers of our present revised statutes, there is the most complete evidence in the collection of the material of the courts, that the assembly that passed upon this revision did not do its duty. It is nothing more than a book of contradictions, as all will see who study it, and the fact that it has been necessary to pass so many supplementary laws, is of itself a strong argument to prove the truth of what I say. As this now stands I shall be compelled to vote against the whole legislative bill. I think it is an outrage upon the people, and no saving.

Mr. MORGAN. The committee considered this question of compensation very carefully. The United States used to pay five dollars per day, but in a fit of foolish economy it made it four dollars. I have looked into this question and I don't think four dollars will more than cover their actual expenses; they ought to be comfortable here. Are you going to establish offices in this territory, and purely representative offices, and deprive the people of having them filled by men of ability, by keeping from them compensation enough to pay their expenses, we ought not to do this, in particular since we have reduced the first session to ninety days, those men will have to work as never men worked before in order to do some of the duties required of them. It ought to be more, but taking into consideration the circumstances of the territory, the committee decided upon five dollars, which will just about pay their actual expenses.

Mr. CHAIRMAN. Any further remarks?

Mr. CLARK. I shall vote against the amendment precisely for the reasons given by Mr. Morgan, but I believe whether the compensation is five dollars, or four dollars, or three dollars, I believe we will have good legislators. I believe a man will come here just as readily, who has the good of the territory at heart, and has any self respect, I believe he would come just as readily for three dollars as he would for five, but I believe it is a question of false economy to say that we shall not pay these men who represent us and who make our laws at least something in the way of compensation. We don't want to ask them to come here for less than it will cost them, and I undertake here to say that no body of men can meet here in Cheyenne at an average cost of less than three dollars per day. I think that has been the experience of past legislatures, and I think it will be the experience of future legislatures. You have to pay two and three dollars per day for hotel bills, and if you want anything to eat you have to pay as much more for restaurant bills and all the little incidental bills that come up. It sems to me that we ought not fix this lower than five. I would even favor six.

Mr. BURRITT. I desire to extend my sympathies to Mr. Clark, as he seems to have had an experience similar to my own since I came to Cheyenne. I should like to have the Union Pacific take away their legislative passes so men cannot slip away and go off on pleasure trips, and go home between meals, when there are some of us who cannot go home, who came from northwestern Wyoming, and have to take 215 miles of staging, I should like to have some of the gentlemen have to do that, and see how they would like it. I think the gentleman from Uinta would vote for seven dollars and a half in that case.

Mr. CLARK. You get fifteen cents a mile and the gentlemen who travel on passes don't want any mileage.

Mr. BURRITT. After we have paid our fare that just leaves enough to pay for traveling over a stage line.

Mr. TESCHEMACHER. I did not intend to say anything on this subject, but I can just tell you how this thing works. I was appointed by Mr. Morgan as an accountant, that is to say to audit, the expenses of the auditor's books, etc. I was one member, Mr. Quinn was another, and a gentleman from Carbon was another member. Now I think you will acknowledge that I probably did as much work as I could. I worked all the time. The law provides that those outside members get mileage, but I unfortunately coming from Cheyenne could get none We worked six days. I got twenty-four dollars, Mr. Quinn who came down on a pass got a hundred and forty-six dollars, and the gentleman from Carbon who traveled on a pass got eighty-six dollars. That is the way it works against a man from Uinta and the northern counties. The same thing applies to the legislative sessions. The gentleman from Uinta gets fifteen cents mileage and only pays five cents, and had passes on our railroads, so you see that the thing is against the members who live in Cheyenne. Their expenses go on just the same. I have got to eat even if I do live in Cheyenne.

Mr. MORGAN. I want to endorse what the gentleman from Uinta has said, and go a little further. These men are often influenced by patriotic motives to come here and serve their country in the legislature, some of these men are doubtless able to pay their own expenses, but there are others who are not, and who might be obliged to stay at home because they could not afford to come unless their expenses were paid, because they are poor men, and I think we should allow them enough to pay their actual necessary expenses.

Mr. CAMPBELL. I would like to ask Mr. Morgan whether a man getting mileage and four dollars a day, I would like to ask, whether that would not pay the expenses of an ordinary man?

Mr. MORGAN. I don't think it will.

Mr. CAMPBELL. He would be here for forty days at four dollars per day, for forty days one hundred and sixty dollars, and fifteen cents a mile mileage, and from the most northern counties it would not cost him more than one hundred dollars, and that would leave two hundred and sixty dollars, and if any man could not live for forty days on two hundred and sixty dollars, he has no business to come to the legislature. I merely wish to say that this amendment will save the territory on its first legislature $4,410.

Mr. PRESIDENT. The question is on the motion to strike out and insert. All in favor of the motion will say aye; contrary no. The noes seem to have it. A division is called for. All in favor will rise and stand until counted. Those opposed —19. The motion is lost.

Mr. SMITH. I desire to call attention to the fact that this file was evidently drawn to have a lieutenant governor, and I would call attention to Sec. 12 of the printed bill, where it provides they shall elect a president pro tem. I would move to strike out the words "pro tem."

Mr. PRESIDENT. Gentlemen, you have heard the motion. All in favor of the motion to strike out the words pro tem will say aye; contrary no. The ayes have it; the motion to strike out prevails.

(Reading of Secs. 18 and 19.)

Mr. CAMPBELL. In order to test the sense of this convention, I move to make that five days instead of ten. I think that was framed on the sixty days session, was it not? I move to reduce it to five.

Mr. PRESIDENT. It is moved to strike out the word ten in Sec. 24 of the printed bill and insert five in lieu thereof. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out and insert prevails.

(Reading of Sec. 23.)

Mr. BURRITT. I would like to ask the chairman of the engrossing committee if the matter in reference to the incorporation of cities was purposely left out? It came up in the municipal corporation file and was in my charge, and the convention knocked it out there, because it belonged in here, but it seems to have fallen out, so I move to insert in the fifth line, after the word "affairs," "the incorporation of cities and towns."

Mr. TESCHEMACHER. The chairman of the committee would like to say that it is in the bill, but in Sec. 29. There were two sections that had to be knocked out of this bill in order to make it conform with the apportionment bill, and the sections were renumbered. I think if the clerk will reread the bill, the gentleman from Johnson will see that this is in the bill. If the secretary will read the balance of the bill I will look the matter up and see if it is not all there.

(Reading of File down to Sec. 32 of the printed bill.)

Mr. RINER. There is one part that I would like the legislative committee to explain what it means. If the explanation is satisfactory I don't care to amend. In the last clause of the section "providing for the payment of claims" made against the state. What class of claims is it proposed to reach? If there is no reason for it I see no reason for having the language in there, and I move to strike it out.

Mr. MORGAN. I don't know what the intention of the committee was, but it was to apply, of course, in this connection. In connection with legislative supplies. That is the intention of the section, I take it.

Mr. RINER. I was afraid it would bear that construction. I think the point we want to reach here can be reached without that part which I propose to strike out. "After services have been rendered or contract made," and stop right there. I move to strike out all the balance of Sec. 32 of the printed bill.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. CLARK. I move to amend Sec. 48 of the printed bill by striking out the last five words, "and shall not vote thereon." So it shall read, "A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member." I believe it is unjust to disfranchise a member of the legislature if for business reasons or otherwise he may have a personal interest in the bill, and that is the reason for my motion.

Mr. BURRITT. I don't believe in giving a member the chance to dodge the vote on the calls of the ayes and nays by saying he was personally interested in the bill.

Mr. PRESIDENT. The clerk will read the words included in the motion.

Mr. CAMPBELL. I move to amend the amendment by striking out all of the section. I think it is a useless provision. An honest man will disclose the fact and a dishonest man won't in any case, and it operates against the honest man every time.

Mr. TESCHEMACHER. Second the motion.

Mr. PRESIDENT. The motion to amend by the gentleman from Uinta was to strike out the last five words of the section, and it was so amended to strike out the whole section. The question is on the motion to strike out the entire section. Are you ready for the question? Those in favor of striking out the section from the bill will say aye; contrary no. The ayes seem to have it. A division is called for. All in favor of the motion to strike out will rise and stand until counted—11. Those opposed will rise—13. In the negative. The motion to strike out is lost. The question now recurs on the motion to strike out the last five words of the section.

Are you ready for the question?

Mr. COFFEEN. Just a word as to that. I believe the point is well taken, but I believe this would be better: "And may be excluded from voting thereon." It seems to me that is better.

Mr. PRESIDENT. The question is on striking out the last five words of the section. All in favor of the motion will say aye; contrary no. The ayes seem to have it. A division is called for. All in favor of the motion will rise and stand until counted—13. Those opposed will rise—13. The motion is lost. Any further amendments to the file? The question is upon the adoption of the file as a part of the constitution. Are there any further amendments to be offered to the file?

Mr. COFFEEN. As the bill now stands I should be obliged to vote no, but as you have given us an opportunity to further amend, I am going to move an amendment to test the question again. I am sorry to do this, but some of us will have to vote against the bill as it now stands. In Sec. 8 I move to strike out "forty" and insert "fifty-six." Seven weeks. I don't think they can do their work in less than that time.

Mr. PRESIDENT. Gentlemen, you have heard the motion to strike out the word "forty" and insert in lieu thereof the word "fifty-six." Are you ready for the question? All in favor of the motion to strike out and insert will say aye; contrary no. The noes have it; the motion to strike out is lost. Are there any further amendments to be offered to the file?

Mr. MORGAN. I don't think the objections to sixty days are serious enough to make a man vote against the whole bill. Men can do a good deal in sixty days.

Mr. TESCHEMACHER. I would like to say a few words. With the sixty days session every legislature that I have been a member of in this territory has adjourned always from Friday to Tuesday, three days out of every week, for which they receive twelve dollars, and also during one legislature we were able to go on a junketing trip to Salt Lake, and had a very good time for a week. We were paid four dollars a day for going to Salt Lake and back on a special train. I think the work can be done in forty days if they work.

Mr. COFFEEN. As the bill is still before us for consideration, I will say that I believe I could vote for this bill and limit all subsequent sessions to forty days, if you did not limit the first session to ninety days, contrary to the judgment of every constitutional convention held during the year, and contrary to the judgment of the committee who canvassed that question very carefully, and I think would be contrary to the judgment of the people when they realize the work that will have to be done in ninety days, to formulate a complete system of legislation for the government of the state. I think it is a most unfortunate situation, but I think I could vote for the bill if I could successfully carry an amendment on that point, although it is against my judgment and a great mistake to limit the other sessions to forty days, as I do not believe that will be sufficient, and I think it will take more than one hundred and twenty days for the first session if they are to form anything like a complete code under this constitution.

Mr. PRESIDENT. The question will be on the final reading and passage of File 76, on apportionment and legislative department. So many as are of the opinion that File 76 be adopted as a part of the constitution will say aye as their names are called; those opposed will say no. The clerk will call the roll.

(Calling of the roll.)

Mr. CAMPBELL. I would like to explain my vote. I am utterly opposed to having the senate elected for the same term as the representatives, but that question was discussed in committee of the whole, and those in favor of two classes prevailed, and I did not care to raise the question a second time, though I believe in that as a principle of legislation, but as there are so many good things in this file, I vote aye with that explanation.

Mr. COFFEEN. I wish to explain my vote. Owing to the amendments introduced regarding the time for legislation in the first session, and subsequent ones, I vote no.

Mr. PRESIDENT. Gentlemen, the vote on File 76 is as follows: Ayes, 28; noes, 5; absent, 16. By your vote you have adopted File 76 as a part of the constitution of the state of Wyoming. The file will now be referred to the committee on enrollment. This disposes of all the matter on my table for final reading. What is your pleasure, gentlemen?

Mr. POTTER. I move we now go into committee of the whole for consideration of the revenue bill.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to go into committee of the whole will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Burritt take the chair? We are now in committee of the whole, Mr. Burritt in the chair.

(Substitute for File 7, 26, 27, 41, 54 and 55. Reading of Sec. 1.

Mr. HAY. I have an amendment which I want to offer to Secs. 1, 2, 3, 4 and 5. I want to say that this was taken almost word for word from the Colorado constitution. We all know that the mining development of Colorado since the adoption of their constitution has been phenomenal, and I don't believe the conditions here in Wyoming are very different from what they were in Colorado in 1875 and 1876. This substitute is special legislation against a certain interest, and I am opposed to it on that ground.

Mr. BROWN. I am very much opposed to the amendment offered, and I am opposed to it for one reason because it is the constitution of the state of Colorado. There never was a more lamentable condition of things than has existed and now exists in that state as the result of this very provision. As my friend Hay says the output of mineral in the state of Colorado has been phenomenal. There is no question about it, but what good has the output of that mineral been to the state of Colorado? Not a five cent piece out of the many millions of dollars taken from its mines has gone into the state treasury as a tribute to the state. The mines have been mined out in a large degree, the wealth has been carried from the state and is in the hands of non-residents, the wealth of the state has been taken away and the riches of the state depleted to this extent, and not one cent tribute has been paid to the government. Colorado is just so much poorer today than when she adopted her constitution, just so much poorer as the value of the minerals taken from her mines. It is true that Colorado has grown and improved in other respects. It has increased in a large degree in population, and the state has increased in population purely from the importance and growth of mining as a business in the state. But while that is true, this mineral, the real wealth of the state, has been carried away, and no tax has been paid out of the money to the state for the support of the government. I believe that is wrong, and I believe that the state of Colorado has been injured by that process, for the reason that if a tax had been levied upon these millions of dollars taken from the mines of Colorado, and applied to the payment of the state expenses, or the state debt, Colorado would have been free from debt today, and in a prosperous condition as a state—government, notwithstanding the extravagances that have been indulged in by the legislatures of that state. It is said today that a very nominal tax on the output of its mines would have relieved Colorado from its present condition. Is it to be said that people shall come into our mines from all over this country, extract from them the precious metals or the coal, it makes no difference which, take it away, utilize the wealth that comes from it in other states, and pay nothing for the support of the state where it lies? I don't believe in the principle, and the practice has been bad. Now as to this matter of taxing coal lands. It is supposed, whether truly or not we cannot say, still it is supposed, that the great wealth of the state will consist in its coal and coal lands. Now is there any reason why they should not pay a tonnage tax on this coal? A large proportion of it is shipped out of the state, probably out of all the coal mined in Wyoming this year nearly two-thirds of the whole amount will be used and shipped outside of the limits of the territory. A tax of this kind comes out of the consumer. Is there any reason why the people who have the benefit of our coal should not pay something to support the government of the state? That is the consumers will pay it, and as consumers they ought to pay it, and we ought to have some benefit of this coal product, to support the government that we are trying and undertaking to establish. Any one can see the fallacy of the present methods of taxing our coal fields, and I want to call your attention to a few facts. Taking the percentage of taxes collected in the territory, and we find that it is as follows: On live stock there is collected three hundred and forty thousandths per cent of all the taxation, on railroads and telegraph lines two hundred and twenty-two thousandths per cent, on other property four hundred and thirty-three thousandths per cent, and coal corporations and coal lands pay fifteen thousandths per cent, and that is all, and yet it is said we are assessing these lands on their value. The coal business in Wyoming today is the largest industry in the territory and pays the slightest possible percentum towards the support of the government of the territory, and yet it is proposed by the substitute offered by my friend to continue this method of taxation, which depletes and impoverishes the resources of the state, and gives nothing to the support of the government. Let me present a few more facts. There is paid from the coal interests toward the support of the territorial government about $1,250 per annum. Now what do we pay our coal inspector and coal engineer? What are the expenses to the territory? At least from three thousand to five thousand dollars a year that the territory pays out, that is what it costs the territory in having a man stand and look over these mines, to pay the inspector of coal mines. Is that the way to build up a revenue for the support of the state government? There is mined in this year in the territory perhaps about two millions tons of coal. A tax of one and one-half cents on the ton of this two million tons would produce a revenue that would not only support and pay the expenses of these mining inspectors who are appointed to look after these mines and see that they are kept healthy and in a fair condition for the men to go into them, but in addition to that it wold pay one-half of the expenses of the state government, and who will be made the poorer by it? It must come out of the pockets, as I said, of the consumer; it can come from nobody's else pocket save the consumer's. It has been said by members of all parties and admitted by all that every tax that is levied upon an article of commerce is so much to be taken out of the pocket of the consumer, no matter what the tax is. Now this is a rule of universal application, admitted by all sides in the discussion of political measures, and of tax measures, and I think we may admit it is the fundamental principle in considering this question, that whatever the tax we levy upon the tonnage it is to come out of the pocket of the consumer. If our coal is an advantage to the states lying around us, if they need it for domestic and other purposes, cannot they well afford, as consumers, to pay something to help support our state government? I have heard it said that it would be claimed in some way that such a tax as this would be an injustice to corporations. I cannot see in what way it can be. I have some figures here on that proposition. The cost of mining coal at the outside figure is placed at $1.25 per ton. The freight to Omaha is $4 per ton, the drayage is 50 cents per ton, the total cost of the coal laid down in Omaha is $5.75 per ton, and the price at which it is sold is $7.00 per ton. I speak now of transporting coal from Rock Springs, because that is a fine marketable coal and a great deal is shipped from there. This leaves a clear profit of $1.25 per ton, and I want to say right here that in figuring the price at $4.00 per ton, it is figured on the short haul price. I want to ask you if this tax of one and one-half cents is to be taken out of that profit, what reason is there that it should not be? There will be enough left after they take that out. Again, figuring on Kearney at the same cost, $1.25, the freight at $3 per ton, drayage 50 cents as before, and the total expense of laying it down in Kearney is $4.75 per ton. They sell it there for $7.50 per ton, or 50 cents more than the coal is sold for in Omaha. This gives a profit of $2.75 per ton for all coal sold in Kearney. Can they afford to deduct from that profit of $2.75 per ton this little sum of two and a half cents per ton. It seems to me they can. Taking the same scale of prices to Cheyenne. The price per ton, $1.25, at the mine, $1.50 for freight, and 50 cents for drayage, makes $3.25 per ton. It is sold here we understand at $6.00 per ton. This leaves a profit of $2.75 per ton to the company mining the coal.

Mr. HAY. Judge, I want to call your attention to the fact that at Rock Springs coal sells at $2 a ton at the mines. You must also remember all the coal mines are not going to be owned by the Union Pacific, and you must remember that the value of the coal at the mines was in the hands of a monopoly, who could do as they please and make a large profit on their operations. But you must in any case take the value of the coal at the mines.

Mr. BROWN. Let us make our valuation of coal at the mine $2 per ton, and there is a clean profit of 75 cents at the mine. Can they afford to pay out of that 75 cents two and a half cents per ton? Suppose it comes out of the producer, suppose what is claimed is so, and the position taken by my friend is true, in that it sells at $2.00 per ton. Even then they can well afford to pay this tax and not disturb their profits in the slightest possible degree. But I was figuring on their profits at Cheyenne, figuring at the price which they get here, which is said to be a little low for Rock Springs coal, and they make $2.75 per ton. At Laramie, taking the freight they charge outsiders, and we know what they charge, and the other expenses, makes the cost at Laramie $3 per ton, and they sell it at $6 per ton, making a clear profit of $2 on every ton of coal sold in that town. Take it at Green River, the cost laid down at Green River, at the same rate of freight, and perhaps the freight can reasonably be figured a trifle higher, because I believe the expense for shipping a short distance is greater than the expense of shipping a long distance, but figuring it at the same rate, and the cost is $1.83 per ton. It is sold at $4.50, and the profit is $2.77. At Butte, the cost of freighting it there figured at the same rates of freight per mile that we pay at Laramie, it is $4 per ton, and they sell it at $9 per ton, a profit of $5. Again, at Salt Lake the expense is $3.10 per ton, and it is sold at $6.50, making a profit of $3.40 per ton. Now, gentlemen, we have tried to be accurate in these figures, and get them as nearly right as we could. They are certainly approximately correct. Now I want to ask you as fair men, and want to do what is right, I ask you as fair men is there any justice in the proposition that our new state shall be depleted of its wealth in coal, the coal taken and carried to other states and territories around us, to be used for their purposes, and we get no benefit in the way of taxation to support the state government? If we are to judge the future by the past, we will get nothing in the way of taxes for support of a state government, upon the assessed valuation as it has been heretofore made. Another point let me call your attention to. How can you fix the value of a coal mine? How can you fix the value of that which is hidden and about which you know comparatively nothing? It is an impossibility. Now then, what is done at this time? The Union Pacific, and I speak of them fearlessly, because they are just as good as any other company that I know of, the Union Pacific on all its coal lands, and it owns many thousands of acres, pays but the smallest possible trifle in the way of taxation to the support of the government, and other companies may be expected to do the same thing. It is said, and I believe it is true, that hundreds and hundreds, even thousands, of acres of coal land in this territory have been purchased by the B. & M. railroad. That is all right; they have a right to purchase them. Will they pay any more taxes than the Union Pacific does on its lands? I don't believe they will. You are satisfied to tax this property according to its value. When its value cannot be ascertained, when there is no man who can go below the surface and tell whether there are two thousand or ten thousand tons an acre, how are you to fix its value? How are you going to levy a tax upon the value of the land when you don't know what it is, and cannot ascertain? The only thing you can do is to do about what we are doing now, to tax it at some merely nominal value, and as long as you tax it at a merely nominal value, we get nothing for the support of our government out of the coal mines. The coal mines of Wyoming territory for the last three years, and I speak advisedly, have paid less to the support of the state than has been expended in looking after them by the territory. If that is to continue in the future, and we are to judge the future by the past, what hope is there that in taxing these mines we shall get any just compensation out of them for the support of the government of the state? It seems to be utterly impossible. I believe that the assessments have been as fairly made in the past as they can well be in the future, but how much better is this other method. When you take a ton of coal you know just what you have got, that is something you can put on the market and get your money for it, you can well afford to pay this small tax upon that ton of coal. Now in this way there is an absolute certainty, that we as a people shall realize for the support of the government something tangible and real from these coal interests. We will not only make them pay their own expenses, and I find no fault about the money expended for that purpose, it was wisely expended, every dollar we have put into these mines in the way of making them better, and improving their condition so they can be worked in with safety by our citizens, is money well expended, but we cannot afford to take the money from our pockets, that is produced by taxing other interests to pay these expenses. We can afford to make the coal output pay it, and if we don't do it now, in my humble opinion, we are negligent in our duties as members of this convention. If we fail in this we fail in the best opportunity that a people ever had to build up the revenues of the state, from a source that can impoverish no one, and harm no one, and save the tax payers of the state that money that comes from other sources, which will have to go to pay for the state government. Our coal mines are the source of our wealth, and if this coal business that is today paying a larger profit on the investment than any other business within the limits of our territory, cannot pay its just proportion of the public expenses, there should be some reason why it should not. I do not desire to load down corporations with any unjust tax. I am the last man that wishes to do that because I want to see this territory grow and prosper, I want to see its resources developed, and I want to see corporations and railroad companies coming into the state, and help develop its resources and build up its wealth, but I dont't want it to be said that, when I shall have passed away in years to come, that I was one party that had an opportunity to make this resource pay fairly toward the public expenses, lost the opportunity and loaded the people that were yet to come with burdensome debts in the support of a state government. I don't want the people that are to come to say, or to have any opportunity to say, that when one of the best methods that was ever presented in any country by any man, was presented to this convention, whereby to raise a revenue to support the state, that we carelessly threw it away, and allowed our country to be impoverished of its wealth by taking its coal from its boundaries, and we get nothing. I don't believe in that sort of thing, and I hope this convention will see their way to do what is just, and to aid the new state. I tell you, gentlemen, this tax will be the lifeblood of the state, and will keep it up and help support it and save the people of the state from burdensome taxation.

Mr. HAY. The proposition is a very tempting one. I don't hesitate to say the amount of revenue we will get from this source will be of great assistance to the new state, but I don't know of any reason why we should get this revenue from this particular industry, and ignore all the other interests. Why not tax all the agricultural products and everything else we ship out of the territory, to be consumed outside of the territory. I regret very much that the entire Sweetwater delegation is not here today. I don't know how any man feels on this subject, whether they side with me or not, but I should like to have the opportunity to call upon them for some information. I am not prepared to discuss the figures given by Judge Brown but I want to talk a little about what Judge Brown says in regard to the condition of affairs in Colorado. Now this substitute, as I understand it, which I have introduced, does not exempt the taxation of the output of mines entirely, but contemplates the taxation of all mines alike under certain conditions. We have been told that the state of Colorado has been made infinitely poorer by the amount of mineral taken out in the past twenty years. Now I wish Wyoming might only be made poorer in the same way in the next thirteen years as Colorado has by her mines, and nothing has done more to develop these mines and encourage mining than their exemption from taxation. The product of her mines has been a greater source of revenue than all of her agricultural and live stock interests and the fact they didn't assess the output and cripple every man who undertook to develop a mine, has resulted in a great deal of wealth, which today pays its tax.

Mr. BROWN. Do you know that the people of Colorado are today regretting their action regarding this very question?

Mr. HAY. My information is right to the contrary. I am informed by people who ought to know that it is their belief, the leading men of Denver have informed me that it is their belief that this policy of encouraging mining has done more for Colorado's development than any other policy ever pursued there. I don't care to go into the figures of the immense profits made by the Union Pacific on coal produced at their Rock Springs mines. That has nothing whatever to do with this question, whether they make five or seventy-five dollars per ton has nothing to do with the principle of making this infant coal industry subject to a direct tax, which you don't impose upon the output of any other mines. The mines owned by the Union Pacific or by any company connected with them and worked at Rock Springs are but a drop in the bucket compared to the mines in this country, and because the Union Pacific is able to carry on its business with an immense profit on account of the transportation they get on it, that is no reason why other coal mines should be taxed on account of their profits. We have large mining interests all over the northern part of the territory, in Converse county, where the quality of the coal is not nearly so good, and the profit comparatively nothing. I know of mines in which sixty thousand dollars have been put without any return or profit whatever, they have mined out a good deal of coal, and it would be pretty hard on them to pay taxes on it without having made a dollar profit. Another question I want to refer to and that is the manner of collecting these taxes. It is said that we don't get anything like what we ought to from these mines; that is not the fault of our present laws, but it is the fault of our assessors and of the people who own the mines. But as I said in starting out my main objection to this thing is that I don't like to see a special tax of that kind put into the constitution. there is not another constitution in the whole of the United States that has this provision or anything like that.

Mr. SMITH. In Pennsylvania today it is on their statute books.

Mr. HAY. Pennsylvania can well afford to put that in her statute after her mines have been developed as they have been.

Mr. ORGAN. I move this committee now rise, report progress and ask leave to sit again.

Mr. BAXTER. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise and report.

Mr. President:

Your committee of the whole having had under consideration the special order, substitute for Files 7, 26, 27, 41, 55 and 54, beg leave to report progress and ask leave to sit again.

C. H. BURRITT, Chairman.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. SMITH. I move it be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report is adopted.

Mr. TESCHEMACHER. There is a matter which I shall have to bring to the attention of the convention again. The question is what is to be done after the revision committee revises an article. Yesterday I handed in two articles revised, and I have not seen them since. The record this morning says they are on the table, perhaps they are, I don't know where they are. The situation is simply this. the revision committee, with the sessions we are holding now, has absolutely no time to do the revision, unless we remain in the committee rooms during the rest of the session. Now if the convention has decided that each article is to be revised and and the constitution adopted as a whole before it is enrolled, well and good, the members will have to remain in Cheyenne at great expense four of five days after this convention gets through its labors, to see that this constitution has been properly enrolled and affix their signatures. This is absurd on the face of it. We don't want to do that.

Mr. PRESIDENT. I have been thinking this over and it does not seem to me necessary to vote on this question again. All that is necessary is after the revision committee report an article back to this convention as revised, is to have it read by the clerk, then if it is found to be correctly revised it can be simply handed over to the enrollment committee, and have it enrolled. That seems to me the simplest method, and if it meets with the approval of the members we will carry it out.

Mr. BAXTER. I move we now adjourn until half past seven this evening.

Mr. JEFFREY. I want to ask the indulgence of the convention on a matter of some importance. The chairman appointed as chairman of the committee on schedule is absent, and I don't know when he will return, but the committee has prepared an article entitled schedule and would ask leave to have it printed, if the convention so desires, in order that it may come before the convention and not leave it until the last moment.

Mr. PRESIDENT. Is there objection to the report being printed? The chair hears none. By unanimous consent the report of the committee on schedule will be received and printed.

Mr. BAXTER. I move we now take a recess.

Mr. ORGAN. Second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of taking a recess until half past seven o'clock this evening will say aye; contrary no. The ayes have it; the motion to take a recess prevails.

Evening Session.

Tuesday, Sept. 24th.

Mr. PRESIDENT. I wish to say to the gentlemen of the convention at this time that those files that have been finally read and adopted as a part of the constitution and referred to the committee on revision, will not be voted on again until they are reported by that committee as a part of the whole instrument, or constitution. This is my ruling as to this matter until otherwise ordered by the convention. My reason for this is that it takes up a large amount of time to read these through as they are reported back article by article, and at this late day we cannot afford to do it.

Gentlemen, at the hour of taking recess we were considering the general file. A motion to go into committee of the whole for consideration of the general file, special order, is now in order.

Mr. JOHNSON. I move we now go into committee of the whole for consideration of the special order of the day.

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. Gentlemen, it is moved that we now go into committee of the whole for consideration of the special order. All in favor of the motion will say aye; those opposed no. The ayes have it; we are now in committee of the whole. Will Mr. Burritt take the chair?

Mr. CHAIRMAN. At the time of taking a recess we were considering the substitute offered by Mr. Hay for Secs. 2, 3, 4 and 5. Are you ready for the question?

Mr. CLARK. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Uinta, Mr. Clark.

Mr. CLARK. I am sorry that more members of the convention are not present, not because I have any speech prepared on this matter, but because I think it is a matter that ought to be carefully, fairly and fully considered in all its bearings; because I believe it is an important matter, and I believe it is an important matter because it effects so largely a single interest of our territory, and I believe it is an important matter further because it departs so far from the ordinary manner and system of taxation. It is nothing more nor less than a direct tax, something I believe, except in cases of necessity, which ought not to occur within this state, nor within the United States. I believe that all taxes, so far as may be or can be, should be adjusted and levied according to the value of the thing upon which the tax is levied. In other words I believe all taxes should be advalorem. This is a direct departure from that, making a tax from one to three cents (I am not sure as to the figures, but it is not the figures I am speaking of per ton, and it makes this tax per ton irrespective of the value of that ton of coal. A ton of coal that is mined at a loss by any corporation or individual in this territory has to add to that loss this tax per ton imposed upon it. I am in favor of this substitute, or any other substitute that will meet the question as I understand it, and it might be well for a moment or two, to study these sections for which the amendment is offered as a substitute, and see whether or not they are fair, equitable and just in their provisions, and see whether or not, if carried out, they will give an equitable and just tax even to those people who are directly interested. Now this discussion has been carried on, so far as I have seen, based upon supposed figures made by the Union Pacific railway company, or based upon profits made by the Union Pacific railway company. I am here prepared to say that the gentleman who gave the figures was misinformed. I am here prepared to say that the price of marketable coal at any of the coal mines in this territory, on the line of the Union Pacific railroad, is today $1.75 per ton, delivered upon the car, and no more. Whatever is above that is transportation and the commission or salary of agents at the other end of the line. In Almy, Rock Springs, and in Carbon today, the price of coal is $1.75 per ton on board the cars, and any man can go up there and buy great or small quantities as he pleases at that price, and he can get it away from there by paying four, five or six dollars freight to the Union Pacific railroad, or take it on any other road he pleases, if any other railroad runs there, but the price there is $1.75 on board the cars. Whatever is above that is the cost of transportation, or the profit that is made by some person outside of the mine operator. We have been told today of profits on coal amounting to $3 per ton, and I want to say right here to the gentlemen of the convention, I speak not of the profits made by the Union Pacific railroad company, of its profits I have no knowledge, that on the line of the Union Pacific railroad, outside of the mines of the railroad company, during the last year the average profit per ton to private companies, persons and corporations engaged in the produce of coal, was less than twenty-five cents per ton, and I will go further than that and say that one concern came out with a loss of twelve thousand dollars. There is not, gentlemen, the exhorbitant profit upon coal that the figures given you would seem to indicate. Now in regard to the provisions of this bill as it originally stood. Are they just? Are they equitable, leaving out everything except this coal matter and the taxation of coal lands? The provisions of one of the sections sought to be amended is that every section of coal land, where it is operated for more than three months in the year, shall pay a certain duty or tax on each ton of coal mined. Will that fill the bill; is that right? The part of a section of coal land that is mined is infintesimal compared to the whole section, that is the part of a section which is mined by an ordinary person or corporation. For every foot of coal on an acre of land the yield can be calculated upon at a thousand tons of coal in round numbers. A five foot vein would yield five thousand tons to the acre, and an eight foot vein would yield eight thousand tons. In the ordinary way om mining forty thousand dollars invested in machinery, I will ask the convention what portion of a section would be taken out each year, and whether or not a tax based upon the present valuation of $20 an acre, or as proposed here, would create the greater revenue? "For each ton of coal mined" there shall be paid to the state not less than one cent, and there shall be paid to the county not less than one-half cent per ton. I challenge any gentleman to point to any provision in any constitution of any of the states of the union of that nature. I believe it is the first time anything of the kind has been sought to be put into a constitution. We today, as I understand it, are paying taxes on an assessed valuation of thirty millions, we are all hoping that the time will soon come when we shall be paying taxes on an assessed valuation of three hundred million, and we are expecting that that valuation will be based largely upon the coal of this territory. As was stated by the gentleman from Albany, we believe that the coal interests of this territory is the interest that is going to push this territory to the front. Will the time ever come when this territory will be run, when there will be required for state purposes, a revenue on a basis of a tax of one cent on every ton of coal? According to the figures made by the gentleman today, the coal tax of this territory at the present time, and at the figures he gave, yields fifty thousand dollars per annum, as much, I believe, as it takes now to run the territory, or nearly as much. I say when the time comes when this coal valuation will increase we will find ourselves with a surplus every year which we won't know how to get rid of, unless we follow the example of Colorado, and let the legislature get rid of it. I say we don't want to have anything in our constitution that is liable to bring about such a state of affairs. A tax is an exaction imposed by the sovereign power for its support. It takes from all, whether they are willing or not, a part of what rightfully belongs to us, why then take more than is absolutely necessary? Do you want to have a provision in our constitution that may heap up more money than we can honestly spend for a state government, and if you take the figures as they are now, as we expect they will be in ten years from now, this single tax on each ton of coal going out of the territory will leave a surplus in our treasury. One thing further, it is sought by these two sections not only to change the law which fixes taxation, but it is sought to change the relative ratio of taxation for county and territorial purposes. I am not exactly informed, nor do I exactly remember, but I believe under our present tax laws, the tax for territorial purposes is about one-fifth or one-fourth of the entire taxation. Under this section, this special article of coal pays from two-thirds to three-fourths of the whole tax into the territorial treasury, and not into the county treasury. I believe the sections are unjust on that account. I believe the territory should receive the same proportion from one thing as from other things, and that if this measure is to pass, the larger portion of the tax should go to the county, as in all taxation. In other words, I fail to see any reason why this revenue bill should say that one branch of industry should pay more into the territorial treasury than other branches of industry, upon an equal taxation.

Now the argument is used that because five thousand dollars has been expended in protecting the life and health of the citizens of this territory, that the coal interest should pay it into the territorial treasury. I fail to see any force in the argument. A mine inspector and the mining laws are a portion of the machinery of this commonwealth, they are supported by the taxation of the entire commonwealth, the coal operator is taxed to pay it, the ranchman is taxed to pay it, it is equal taxation for the support of the government. It can't be used as an argument that you single out one branch of our government and say by constitutional enactment that one branch of taxable property shall pay for it. I am opposed to this section as it originally stands, because it singles out one branch of industry. I want to tell you gentlemen of the convention not already acquainted with the facts that the man who puts his money into coal lands along the Union Pacific today puts it in at his peril. I want to tell you gentlemen that the man who opens up a coal mine along the Union Pacific puts his capital in jeopardy, and only by the most favorable laws can this man be protected. According to a measure placed upon its final reading today, I ought not to be allowed to vote upon this measure. The measure that no man who is interested in any proposition can vote for or against it, and it may be I am biased in my judgment. I may be bised in my judgment, because for the last year I have been endeavoring, in connection with other gentlemen, to develop a private coal mining enterprise at Rock Springs. I say to you gentlemen it is only by the most favorable enactments and the most fostering care of this coal mining industry that any private or corporate enterprise on a small scale can go into the mining business in the whole territory. You say to me who have put my money into a coal mine, and to the three or four other gentlemen in with me, you say to me you shall be restricted, you shall not only meet this immense competition that you have got to meet, but you shall meet it pressed down with a tax. You can open your soda lakes, you can open your oil wells, you can do anything you choose, and we will free you from taxation.

We have heard a good deal of justice. Is this justice to say one thing to my neighbor and another to myself. Sec. 5 says "that all mines and mining claims, bearing gold, silver, and other precious metals, soda, saline, oil, and other valuable deposits, may be taxed in addition to the surface improvements thereof, on the gross product as provided by law; provided that the lands upon which such mines and mining claims are located shall be exempt from taxation for a period of ten years after the adoption of this constitution, and thereafter may be taxed as provided by law." Now in regard to the coal, gentlemen. All that I ask you is that you put that upon the same footing with every other mineral product in this territory.

Why is it necessary, in the face of the development that we want, in the face of the development that we need, in the face of the development we must have, if we are going to prosper as a great state, why is it necessary to single out this infant industry, class it by itself, and say it shall be bound down by taxation, while you leave other industries to be taxed as the legislature may provide, with an express stipulation that the land upon which they are located shall not be taxed for the next ten years. All we ask is for the convention to say that the taxation upon the output of mineral claims shall be the same as the tax upon the output of coal mines. That is all. Is it not fair, is it not just, is it not right, that if the tax levied on coal and silver mines is to be left to the wisdom of the future legislatures, is it not right that coal mines should have the same protection? Don't they need it? For fifteen years in this territory, a struggle has been made time and again with private capital to open up coal mines, what has been the result? Up to eighteen months ago there has been practically nothing done, thousands of dollars had been sunk, and not one penny of profit returned. Under the provisions of the inter-state commerce law private owners have been able to ship coal. They have been able to dispose of a portion of what they might mine, at $1.75 per ton, on the car at the mine. Now, gentlemen of the convention, as to the figures given. I have not posted myself very well on the figures in this matter, but I will do the best I can. I feel strongly in this matter, because I feel the injustice of the proposition. I feel the injustice more perhaps because I have personally invested and become interested in this coal matter. What the profits of the Union Pacific may be, I know not, nor do I care. If you are satisfied to pass this law upon the fact that the Union Pacific company has made large profits, for God's sake devise some way so we can sell our produce in a cheaper and better market. Mark Hopkins & Co., the Van Dyke Coal Co. and the Rock Springs Coal Co. have a market in Kearney, have a market in Omaha and have a market in San Francisco. The coal sold from these mines is sold on a basis of $1.75 per ton, whatever the difference is between that $1.75 and the price at which the coal is sold in Kearney is freight charges of the railroad company and the commission of the agent in selling the coal. Now that is just what it is; it is not any lower or any higher. It may be sold at three dollars or five dollars or eight dollars, I know not, but I do know that the orders of the customers, that the orders of the consumers, are sent to and filled at the mine at $1.75 per ton, with the freight charges added, to be collected at the other end. That is just what it is, and that is all that it is, and I want to say to you gentlemen that there is no private individual or small corporation that can mine coal in this territory for $1.25 a ton. I don't believe there is one, and until the figures are given to me and verified by the books, I will be unable to believe it. I know that in the most favorably located vein in the town of Rock Springs, a vein which lies within five hundred feet of the Union Pacific track, where a level can be run and no hoisting apparatus is used, and no vein is used to drain the mine, I know from that opening coal cannot be taken at $1.25 for marketable use. I know further that in all the mines running today at Rock Springs every ton of coal taken out costs $1.48. I know that to be true from an examination of books that were kindly given me. Now I say to you gentlemen that it behooves us to look at this matter carefully. Another thing, it has been said that this two or three cents will come off of the consumer. Well, possibly it may. But I cannot see how it will. Mark Hopkins & Co., the Van Dyke Coal Co. and the Rock Springs Coal Co., which so far as I know are the only three companies shipping coal outside of the territory, along the line of this read, have a market in Omaha. They meet there not only the competion of the Union Pacific but they meet the competition of the Colorado coal, and they meet the competition of the Iowa coal, and the competition of the Iowa coal is so strong that the Union Pacific winter after winter have suppled its stores nearly as far west as here from Iowa coal. In Kearney they meet the same competition. In San Francisco they meet the competition in a small degree from the Rocky Mountain Coal and Iron company of Evanston, of the Washington collieries and Australian coal, which is the strongest they have to meet. Now I ask you what regulates the price of coal in these markets? Does competition not have something to do with it, and when you add to the competition which these private operators have to meet with in the Colorado coal and the Washington coal, and the Australian coal, the tax of two or three cents, are you not going down into the pockets of our citizens? Now where will this loss fall? There are but two persons upon which this tax can fall, it must either fall upon the man who digs the coal or it must fall upon the man who has the coal mined. That is where it must come, because coal will not be raised two cents on the market to meet this tax, but it will either fall upon the person or corporation owning and operating a mine or it will fall upon the miner himself. Now we know pretty well upon which it will fall. If the corporation has the cinch on the miner, so that the miner has to agree and come to the terms of the corporation, it will fall upon the miner. If the miner has the cinch on the proprietor, whether a private person or a corporation, so that the miner has got to get his coal out, it will fall on the proprietor.

Now another matter. It is said that we cannot estimate the value of a coal mine. We can more nearly estimate the value of a coal mine than we can of anything else that grows or lies underneath the surface of the earth. We cannot estimate the value of a silver mine, because we cannot tell how the veins may run, it may end, or disappear for a great length, or become pocketed. We cannot tell what is in a silver mine, but we can come within a small fraction of what is in a coal mine. We strike a vein here, and again within half a mile there, and we can tell within a fraction how many tons of coal can be got out of that seam, so that the argument would apply rather to the silver mine, which is excepted from this provision, than the coal mines which are included in it. But I say to you gentlemen we will find no fault if you will treat all men alike. On what principle in equity is it said that the operation of this law shall not be general? What is the theory upon which it is based and where is the justice of it? Why put in our very constitution itself a provision which says that certain things shall not be put in a legislative enactment, namely, special legislation. Why is it that the output of a coal mine is to taxed tomorrow, while the output of a silver mine shall not be taxed? If the one is to be subjected to this tax, why not the other be subject to this tax? But they say it is; it is, is it? Sec. 5 provides that all mines and mining claims, bearing silver, gold and other precious metals, may be taxed in addition to the surface improvements thereof, on the gross product according to law. Very well, gentlemen, if you will only provide for the coal tax in the same way as the silver and gold tax, we will assent and assent gladly. If you will say that the tax on coal mines, and mines bearing gold, silver and other precious metals, and soda lakes and oil wells, shall be taxed on their output according to law, we shall say all right, and we will pay it; we will do the best we can to get along under this pressure of industries, if you are going to tax us all alike. But we do say that it is an injustice, a gross injustice, to put in the organic law of this new state a provision that says that the man who tries to develop the resources, hampered as he is by present competition, hampered as he is by lack of facilities, to market his product, hampered as he is by all these things, we say that it is a rank injustice to say to that man that that indusry which we hope to make the greatest in the new state, shall be weighted down with a special tax, shall be taken by the throat and hampered in its operations. Now what I have said in regard to the southern part of the territory, I say is true in regard to the northern part, and I believe that the question, at last, without reference to the Union Pacific, or without reference to any other corporations, comes right down to the general question, is it right? I have heard men in this convention stand up and plead for representation in the legislature of this new state, I don't ask for fairness in regard to this question, I simply ask for justice, and if any man in this convention can rise to his feet when called on to vote upon this proposition and say that it is just to tax me because I own a coal mine, and at the same time say it is just to allow my neighbor to go scott free because he owns a silver mine, I am satisfied with his vote, it is his understanding that is at fault, and he is not to blame for it. But I say to you, gentlemen of the convention, that I believe that justice requires that men shall have a fair show in this territory. The first ton of coal that comes out of a mine costs the proprietor thirty thousand dollars, think of this a little, gentlemen, and when the last ton of coal comes out of that one hundred and sixty acres he not only has exhausted his land for which he has perhaps paid a high price, he has not only exhausted his mine, but he has exhausted his capital in the business. Think of that. It is not all fun mining coal, not simply bringing the coal to the top, and sending it off and getting three or four dollars profit, and as I said to you gentlemen before, the actual profit, the average profit, is less than twenty-five cents a ton, even along the southern line of this road.

Now, gentlemen, I have said a good deal more than I intended to say on this subject, and I ask you to consider the reasons that I have, in a feeble way, attempted to advance why this substitute, of something in the nature of this substitute, should be adopted. I believe the substitute is good, but if it is not adopted then something ought to be inserted here instead of this special tax on coal, on coal lands, and no tax on gold or silver or other mines. I want you to consider further that this section must be amended if this substitute is not passed; for I think every member of the convention can see the folly of atempting to say that the coal in this territory, where we have so many thousands of acres of coal lands waiting development, that every ton of coal shall pay a tax of three cents per ton.

Mr. CHAIRMAN. Any further remarks on the substitute by Mr. Hay?

Mr. TESCHEMACHER. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I would like to bring one other argument in favor of this amendment, in addition to the argument made by Mr. Clark of Uinta. Supposing in the new state of Dakota, where wheat is king, and wheat is king even more than coal has been proven to be king in this territory, supposing that in that state the same argument had been advanced, as the argument by Judge Brown, that because wheat was the largest product, the greatest product of the state, and because the people of the state of Dakota could not begin to eat up the flour the amount of wheat produces, or turn it into flour and then send it out, supposing the argument was advanced that consequently there should be a tax levied on each bushel of wheat that was produced in the state of South Dakota in each year, what do you suppose the Farmers' Alliance, which held the majority of power in the constitutional convention of that state would say to any such proposition? They would have said exactly what Mr. Clark has said. They would have said we have to compete with the other states of the union, which are wheat producing states. Now, if you tax our wheat, and the tax is going to be paid by the consumer, we are going to make the other state pay for that, what would be said to that as an argument? There is the same situation with this wheat in Dakota as with our coal in Wyoming. The tax on each bushel of wheat would have raised an enormous revenue for the state of South Dakota, and the tax on each ton of coal in Wyoming will raise an enormous revenue for the state of Wyoming. Where is the argument? Wyoming has to compete with other states, she is not the only coal producing state, we have unfortunately to come into competition with the state of Colorado, and into competition with the state of Iowa, two large coal producing sates. We also come into competition with Missouri, although I am not sure that Missouri is a coal producing state. Now in the southern states, where cotton is king, suppose they say let us oblige the other states in the union, which are obliged to buy our cotton to put into marketable goods, let us make the other states support the state government of Georgia, of South Carolina or Texas. How do you suppose that would have been received? Why should we take the one product on which we base the future development of the state of Wyoming, why should we take that one product and say let us put a tax on development? That is what it says right here, on development. At present the Union Pacific railroad company owns a majority of the coal mines of the territory, but our territorial geologist has shown us in his annual report that this whole territory, or the greater portion of it, is a coal territory. They are not able to measure the boundless amount of coal from Crook county, that the whole of Johnson county is a coal stratum, that the county of Converse along the whole line of the Wyoming Central is a coal producing region. What would be said of a line of argument which says that whenever you have any product that is your staple product, for that product the rest of the citizens of the United States shall pay a tribute. The consumer pays the tax, this is good Democratic doctrine, but mighty poor Republican doctrine, and I am much surprised to hear it from a man whose Republicanism has never been doubted. Mine has. If, however, the consumer does pay all this tax, that is what it amounts to. We simply say we have a staple article, we know that we have a great deal of coal, therefore let us say to the rest of the states come up and pay our expenses and we will show you how a state should be run. The geologist informs me that within the next three or four years our output will be ten million tons per annum. Ten million tons per annum at one cent per ton is one hundred thousand dollars. We will have one hundred thousand dollars per annum to show the rest of the states how to run a state. We will build a state house in Buffalo like the one in Albany, New York, I don't know how much it cost but it cost a great deal of money. There is right here, without going into any further particulars or statements, sufficient to completely overthrow the arguments for this special tax on coal.

Mr. POTTER. When this question was broached and I knew we had to consider it, and I knew that I had to vote upon it one way or the other some time before this convention adjourned, I approached it with fear and trembling. I did not know where I was going to land. It seemed a very difficult thing to me, one that I wanted to be perfectly fair and right about. I had not any interest and have none financially or otherwise, either for myself or anybody else, except to vote on this matter in a way that is just and right. I may be mistaken but I believe I have made up my mind. I am not in favor of the original proposition in the bill, and I am not in favor of the substitute as presented. I don't want to exempt all these coal mines from taxation, and that is the reason I am not in favor of it, and I do want to give the legislature, if in the future it is deemed wise, to tax the output of mines. I want them to have the power to tax them. My first thought was that if this was a proper measure even, it was not a measure for a constitution, and I based my idea upon that in this way. That it could not be repealed if found to be unwise, if we found the maximum was too low it could be raised. If we found the minimum too high it could not be decreased. We restrict the legislature, so that even if the measure was a wise one, we are restricting the legislature and attempting to look into the future ourselves and dictate to future legislatures and to those that may come after us, what will be wise years hence. For that reason it seemed to me not a proper thing to be embraced in the constitution as a fundamental law. I don't think that upon a question about which we must all be doubtful, there should be placed in this constitution any such restriction, but I think we ought to leave it to he legislatures who come after this convention to deal with such matters from time to time as the development of the country, as the evil or good which may arise from their legislation may dictate, how these matters should be dealt with. Again, I don't think, when I come to think about it in general, that a tonnage tax is proper. I think we want a tax as to value, and let me say right here that in considering this matter, and in making up my mind and in giving my vote, I vote upon this question without reference to what may exist today, or without reference to what may exist hereafter. I am not here to prosecute the Union Pacific, and I am not here to defend it, nor to legislate for or against it; I put that entirely out of the question, whether they have paid too much taxes in the past or whether they have not paid enough, it makes no difference to me and would not influence me in my vote one way or the other. It makes no difference to me whether a ton of coal has ever been mined here in this territory or ever will be mined here. I am going to vote upon this question upon this theory, and I won't consider it in the light of the Union Pacific, or any other miner of coal. Let us look at it upon principle, and not let the profits of the Union Pacific, or the profits of any other company influence us. Let us look at it as to what is right, and that only will influence me. I want to do what is right and just, and will be for the best interests of all, and will lead to the best results in the future, and I am going to assume that a ton of coal has never been mined in this territory, so that my position may be understood in this matter. Now then I believe you can value everything. I believe you can value a silver mine today. I believe you can value a coal mine or a gold mine today, just as much as you can value a hundred and sixty acres of land. What makes the value of a hundred and sixty acres of land out on these hills? Purely what it will bring in the market. What makes it bring anything in the market? Simply on account of its grazing capacity, the amount of hay or wheat, or whatever it may be that can be grown upon it, on account of the product of the land, and after that the demand there may be for it in the market. The product of the land makes the value, and the farmer pays for that one hundred and sixty acres what he believes it to be worth, and it is worth to him what it will be worth to farm that land. In a word you have to know the value of the product in order to know the value of the land. Now you have to do that very thing with coal mines, you will have to find out the value of the coal in order to value the mine. You can find the value of the mine by finding out how many tons have been gotten out, the gross product of that mine. That mine may be worth so much this year or so much next year, but I believe you can find its value and you can assess it upon its value, and if you don't assess it upon its value it is not the fault of the owner, but the fault of the state, the officials who represent he state. But you can find its value and tax it acording to its value. I don't know whether heretofore the mines have been taxed according to their value or not, that makes no difference to me in forming my judgment. I know that you can assess it according to its value just as you can assess a hundred and sixty acres of land according to its value.

Supposing they do take this product from the soil, and take it out of the state, as it is said they have done in Colorado, and depleted the wealth of the state? It is their property and they have got a right to do as they please with it. Now something has been said in regard to their ability to pay this tax. That makes no difference; that is not the principle upon which you tax a coal mine, or any other property. Now it don't make any difference because a person who owns a coal mine is able to pay the tax or not. If that was the case you would not tax a great many people that you do tax. There are a great many people who pay their taxes who find it a great burden and a great hardship to do so. You don't ask whether they are able to pay or not, that is not the principle upon which you tax citizens at all. It makes no difference about their ability to pay, that is not the question. Now then inasmuch as you can get at the value of these mines, and I think upon principle that that is the proper way to tax them, I think we ought to leave this matter to the legislature, and that is the ground upon which I shall vote upon this measure if I vote against it. I don't believe I am sufficiently informed, as sufficiently informed as some members consider themselves to be, to vote for the future, although personally I believe that on their conscience they thoroughly believe that they are fully and sufficiently informed, and I give them credit but I insist upon it that I am not sufficiently informed and I don't think I can be made so during the session of this convention, and so I would very much prefer to leave this matter to the legislature, and inasmuch as the substitute comes nearer to doing that than the original bill as it now stands, I should prefer the substitute, or something of the kind. I am willing to give the legislature the power, if they deem it wise, to tax these mines, all mines alike, upon the gross product, and until the legislature does so act, then let them be taxed according to their value. The reason why I would leave this to the legislature is that if at one session it is thought advisable, and they can enact a law that these mines shall be taxed upon their gross product, and within a short time it is shown to be unnecessary, or has not worked well, they may repeal that law at the next session, but they could not repeal a constitutional provision.

Mr. RINER. I simply want to ask Judge Brown, and I will take his own figures, one or two questions. This matter has been pretty thoroughly discussed, and I think the members generally understand it. Judge Brown gives two million tons as the total output last year. Now taking the maximum as proposed by this bill, one and one-half cents for territoral purposes, and one cent for county purposes, it makes a total tax upon two million tons of fifty thousand dollars. Supposing the home consumption amounts to one-half million tons, then we have for sale, or left to market elsewhere, a million and a half tons. The tax on that as proposed by this bill will be thirty-seven thousand five hundred dollars. Now I want to ask you when this million and a half tons is sent to market, paying a tax of thirty-seven thousand five hundred dollars whether or not it can compete, putting aside transportation, because it would not figure in the matter at all, for we have provided, and the inter-state commerce bill has provided, that all shall be treated alike in this matter of transportation. Now I want to ask you if the million and a half tons of coal paying a tax of thirty-seven thousand five hundred dollars, can compete in the market with the million and a half tons from Colorado, the transportation being the same, that does not pay thirty-seven thousand five hundred dollars tax, and if they cannot where does the loss come, upon the consumer or the operator? This question I would like to have answered by the gentleman from Albany, Judge Brown.

Mr. COFFEEN. I presume Judge Brown will be able to answer that when he comes to speak upon it. I have been pleased with the manner of this debate, and I have been delighted with the eloquent address of the gentleman from Uinta, in which he investigated the bearings of this question, but still I must differ with him, and I will give some reasons for differing. In the first place, in the production of coal, and coal is in transportation daily almost, as fast as it is mined, the only way is to tax it as it goes, otherwise you may lose the tax on three million tons a year. That in itself is sufficient to convince me that it must be carefully looked after, as one of the great valuable productions of the country, to the end that it will bear its just proportion of the state and county tax. That in itself is sufficient. But I want to take up another point. It has been shown and been recognized by those who have a section of coal-land, with coal formation on it, or a stratum of coal on it, before that is mined that it is difficult to tax it according to its value, to the value of the coal in it undeveloped, and the practical working here of taxing the land, these coal lands, instead of paying taxes on a basis of a valuation of twenty dollars an acre, we are told by those best informed that they pay taxes on a basis of something less than one dollar an acre, or about as low as that, so I say to you gentlemen these coal-lands are not paying their just share of the taxes of this territory, as the farm lands and other lands of this territory are. These are considerations enough to persuade my mind. Then one thing further. The farmer in the production of his farm products, the stock grower in the productions of his range, his ranch, he must pay his tax on that product. The gentlemen who in this territory are shipping their steers off to market are paying taxes once, twice, three times, on their production during the three years it is maturing, and that too in the face of a great depression in the market. I do not care to argue the principle of the thing, but simply to show you the situation, and to show you where justice and fairness come in, the farmer and the ranchman pays his taxes on his product, which is just as much a home industrial product as coal, being produced on the range and farms, and shipped after maturity, the only difference is that he cannot bring it to maturity in a day and ship it down and out and escape all taxation. He has not the advantage that the shipper of coal may have One other point. Take the profit of coal, as stated here, $1.75 per ton, take this tax of one and a half or two cents on the profits alone and it will amount to three cents per ton. and I wish to say here that I do not believe the transportation companies are taking all the profit as has been argued here. Now I have a statement to make, and you will listen to me, and if any one disbelieves it, I will produce the figures. More than one-half the coal, according to the latest United States statistics, more than one-half the coal produced in the United States pays a tax of three cents per ton; more than one-half of the entire product of the country today pays a tax of three cents per ton, and I should like to know why this article of coal should not pay one or one and a half cents in this territory, when more than half of the coal in the country already pays three cents per ton.

Mr. CLARK. I would like to ask you why you discriminate against coal mines? Do you not think it unfair that only these coal mines should pay taxes?

Mr. COFFEEN. I thank the gentleman for asking me the question, and I would say to him that there should be no discrimination. I apprehend the reasons why coal mines are specifically mentioned is because that industry is already developed, and we can begin by applying it to them first, and the other mines are so little developed that it is difficult to get hold of any figures upon which to estimate the possibilities and capabilities of these mines.. But the gentleman is right as to the principle, and I am glad to say that I agree with him. But I see no reason why these coal mines should be exempted from taxation when more than one-half of the coal already pays three cents. In Pennsylvania the coal produced is 64,000,000 tons, the total coal production of the United States is 120,000,000 tons, and this pays a greater tax than we propose to levy.

Mr. HAY. I just want to say a word in regard to what the gentlemen has said who has just taken his seat. This proposition which I introduced does not exempt coal mines from taxation, it simply says the mines shall be exempt for a term of years, except the net profits therefrom. Now I want to say a word in regard to the conditions in Pennsylvania. I want to ask if there is no difference between the conditions in Pennsylvania, the development and condition of the enormous coal interests in that state, and those in Wyoming? It is absurd to compare the two. And I am forced to doubt to some extent the accuracy of his statement that 64,000,000 is more than half the entire coal product of the United States. I don't believe it is one-quarter of the entire amount of coal produced in the United States, I think that is a mistake, but the main point I want to make is that it does not exempt coal mines from taxation.

Mr. COFFEEN. Just in answer to that. I have here before me the last statistics on this subject, the most reliable data to be obtained, and I will read you the exact figures. Pennsylvania, 64,000,000 tons produced in 1887, then follows a list of the amount produced in all the states, which I will not read, ending with Wyoming at the end of the list, 1,000,000 tons produced in 1887, and the grand total is 120,000,000 tons, and now whether 64,000,000 is not just about one-half of the 120,000,000 I leave it to the gentleman to decide, as I think he can soon figure it out.

Mr. PRESIDENT. Any further remarks?

Mr. CAMPBELL. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Campbell.

Mr. CAMPBELL. Like the rest of these gentlemen I did not intend to say anything on this subject when it came up I must confess I am much in the same position that Mr. Potter said he was when he commenced. I must say that after listening to the arguments of those who are in favor of this substitute and those opposed to it, I am convinced that it ought not go into the constitution at all, but is a mere matter of legislation, but as to saying in this constitution whether or not coal mines shall be taxed that is another matter. Inasmuch as Pennsylvania has been mentioned I would like to say a few words, and also as to this tax of three cents per ton. I lived in Pennsylvania and I never heard of that before, although I don't doubt the statement that there is a tax of three cents Well now I lived in that section from the time I was eleven years old until I started for the west, and know the anthracite coal regions of Pennsylvania, and there was, I think, two large companies organized for mining coal, perhaps there was one other company, where there were a hundred individual operators. Today you can go there and you will find there are not ten individual operators. You can go there and you will find that the only operators are the large transportation companies whose lines run near the mines, the individual operators of the country have been driven from the business; and the production of anthracite coal is in the hands of corporations, simply because no individual operator could compete with the transportation companies, and they were forced out, and the consequence is that the anthracite coal region today is the poorest part of the state, laborers are poorer paid than in any other part of the state, and when you undertake to deduce any argument from Pennsylvania, I say there is no argument you can make. I am against this principle of putting legislation in the constitution of our state, as Mr. Potter has well said, this is an experiment. If we leave it to the legislatures of the future they can tax it in any manner they may see fit. I don't believe in limiting the legislature in certain matters, in restricting their powers, and there is one thing that I would have you remember, and that is that a legislature has all power within itself, and is not restricted by the constitution. If you will keep that principle in view you will be saved a great deal of trouble. Some people seem to think a legislature can be nothing except what is provided by the constitution, whereas they are unrestricted except in such matters as are prohibited by the constitution, a principle directly opposite to the powers of congress. Congress can do nothing except what is prescribed by the constitution of the United States, the legislature of a state can do everything that is not prohibited by the constitution of the state.

Mr. CHAIRMAN. Any further remarks?

Mr. BAXTER. Mr .Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. When I first heard this question discussed and I may say that I have not heard it discussed until tonight, when I first heard the proposition suggested levying this tax it struck me in a very forcible way, and I still think it is the proper thing to do. The only question in my mind is as to the propriety of putting something of this kind in the constitution. I think it should come from the legislature, provided we can put in such a general clause as will certainly secure the desired result. I would say to my friend Teschemacher here that he should not be disturbed particularly about this great unexpended surplus which we will have in the treasury. I could not follow him in his figures, but I do not think we shall have any such surplus for a hundred years to come. We expect great things from these mines, but I have known instances where our expectations have failed to materialize. In answer to Mr. Potter I want to say that I fully agree with him as to his idea as to how we should come to value a piece of property, it is dependent entirely upon its earning capacity. If a piece of land will return, over and above all cost, one hundred dollars annually, and it is situated in such a country where money is worth ten per cent, that land ought to be worth a thousand dollars, because it will earn a net return of ten per cent, just what money is worth, and its earning capacity is governed by just what it will produce annually. If a piece of land in a large city, desirably located, yields annually five thousand dollars over and above expenses, and money in that section is worth ten per cent, it would be worth fifty thousand dollars. It might be worth a good deal more than fifty thousand dollars, but its value should be determined by its earning capacity. Now the same rule ought to apply to coal mines, or to any other kind of a mine. If we could say an acre of coal land would produce so many tons of coal for any definite period of time, the same as we could assume that an acre of land would produce so many bushels of corn or wheat, its value could be determined in the same way, by estimating its earning capacity. But the trouble is you cannot tell how long this output is going to continue. The suggesion made by my friend Teschemacher as to wheat, is altogether a different proposition; they know an acre of land with proper treatment will produce so much wheat annually, with proper care the land will be worth as much fifty years from now. Now with coal land this is not the case, when the coal is exhausted the land is worthless, but in the other case you know what the ground will produce. The trouble with a coal mine is that you cannot tell what is there, and when you come to the question of fixing a value on something you cannot see you have not the same basis to figure on at all. You never can reach its value with the same degree of certainty. It seems to me if the coal when taken out of the mine was weighed, and you find there are so many tons, and you say that it is worth so much per ton, knowing what it will bring in the market, and you then tax it upon its value, upon that basis, as it comes out of the ground, that you are getting as near a proper basis for taxing it as you can reach. I think I agree with Mr. Campbell that we ought to make this a general provision, applicable to the mining of coal, or any other mineral, or oil, or soda, or anything else that comes out of the ground. I don't think I favor this substitute because of the provision that exempts it for a term of years, but I am inclined to think that the best course is to leave this matter to the legislature, with such instructions as will secure equal and exact justice in the future to every interest involved.

Mr. CHAIRMAN. The gentleman from Converse, Mr. Harvey.

Mr. HARVEY. In listening to the discussion of this question, I have been decided both ways. I believe in this principle, I believe we ought to put it into the constitution,, and I believe we ought to stop right there; we all agreed on the principle, but it is a different thing when you come to make the application in the constitution. As to the figures which have been given here I am not prepared to pass upon. I happen to come from central Wyoming, the only portion of the territory where at the present time they ship coal besides along the line of the Union Pacific railroad. I say the principle is all right to tax the principle of a mine, but when you go further than that and settle upon one-half a cent or two cents upon each ton, I doubt the expediency of it. In central Wyoming we have two mines, one at Glenrock and one at Inez, and I know that neither of them has ever made a dollar, and it may be some time before they do make a dollar, but I know that the most they have figured on is a profit of fifty cents on the ton, that is the most they have figured on in their most extravagant moments, when they get their mines in perfect operation, and everything working in their favor. It strikes me that two cents out of fifty might be a very serious thing. This is a matter which belongs to the legislature. I repeat what I have insisted upon several times before, that a body of men making a constitution may not be the best body of men for legislation. I say let us incorporate the principle in here and then stop. I think the principle is all right. I have before me a section which strikes me as being a very good one, taken from the Nevada constitution. "The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed."

That is all they have to say on the subject, they have laid down the principle and stopped right there. At the proper time I shall move that as a substitute.

Mr. BROWN. Some of these gentlemen have asked me some questions, and I think it my duty to answer, but as these propositions have been presented at different times, I want to answer them in turn. Going then to the first proposition presented, it is involved in the arguments of three or four who have spoken upon this question, among others the gentleman from Uinta, Mr. Clark. He says, and repeats it with a great deal of vehemence and force, that we should aim at justice, and that we should aim to have each and every interest bear its fair share and proportion of taxes. Now I want to say to these gentlemen right here, it is because the coal industry does not and never has borne its fair and just proportion of the tax in the territory of Wyoming, that we are against the proposition for taxation as presented by this substitute. In this same connection the gentlemen say if we tax according to the value we shall in the end reap as large a revenue from the taxation of the land as we can possibly reap by taxation of the coal output. Right here I wish to meet the question of the gentleman from Laramie. He says when the output is two millions of tons and if that pays a tax of one hundred and fifty thousand dollars, can we go into a foreign market and compete with coal that pays no tax? I say to him upon that proposition we cannot, but it happens that there is no such proposition in existence, and could be no such proposition, and these gentlemen by their arguments see it. They say that the taxation upon the acreage will meet the requirements of revenue as well as a tonnage tax. If it does, then I say to the gentlemen that you have to pay the same tax, but in a different way, and when you go into an adjoining state and come into competition with coal from other states, if they pay a fair and just proportion of the revenue of the government of the state where that coal is produced, if your theory is correct, they must meet the self same proposition that we have before us, and they go there paying an acreage tax, or an advalorem tax, arrived at in some way that equals the tax we put upon the tonnage. So much for the question asked by my friend from Cheyenne.

Now I will undertake to answer some other matters. My friend, Mr. Teschemacher, from Cheyenne.

Mr. TESCHEMACHER. I am not from Cheyenne, Judge. I come from Uva.

Mr. BROWN. I beg the gentleman's pardon; I meant no insult, and I don't suppose the gentleman so takes it.

Mr. TESCHEMACHER. It might effect my mileage though.

Mr. BROWN. If the gentleman's mileage is at stake, true it might make a difference, but I want to come to this argument he presents. Now let us see what there is in it. He says why not tax wheat? Why not tax corn? Why not tax cotton? Why not tax the any one great product of the land? Let us see why. I want to ask the gentleman if his theory is correct, and if the theory of my friend Potter is the true one, if you are going to tax according to the product why not tax wheat? That is part of the product. He says we will tax the land because of the value of the product produced. Now if you tax the land upon the basis of the product produced what difference does it make whether you fix a certain price per bushel or tax the acreage? If the gentleman can see the difference I should like to know it. The fact is that all the propositions they make simply resolve themselves into the one that we present in this bill. If you tax your wheat instead of your land, if you tax the product of the farm instead of the farm itself, and tax it at a fair ratio, you are getting the best taxation that can exist under the sun, if you tax cotton according to the product on each acre of land owned by different individuals, and make it a fair and equal taxation, it is the only just method of taxation that can be arrived at, because in that way you get at the proposition that my friend Potter presents, the exact product, which gives the value. Now let us go a step further. My friend Clark says that you can arrive at the value of coal lands, and how does he propose to arrive at it? I have considered the matter, and I think that every one of us understands that until coal land is developed, it is utterly impossible to determine its value. My friend says that you can bore down here, and bore down half a mile there, and we will determine in that way to a bushel how much coal there is in the strata and in that way get the exact value. I want to ask my friend if he proposes that the territorial assessor or that the county assessor, shall go into the boring business, in order to get at the taxation? Now let us talk about this fairness a little further. My friend made a proposition as to the amount of coal to the acre, that an eight foot strata would yield eight thousand tons to the acre. Now he says that about as fair a method of taxation as we can have is the government price of twenty dollars per acre. Now just think for a moment, eight thousand tons of coal in an acre, and twenty dollars an acre the price upon which to levy the tax, and that is based upon the theory of justice. It produces no tax at all, and that is what is the matter with his argument; that is what is the matter with the territory of Wyoming, and that is what is the matter with the figures here.

Now the gentleman said something about the figures and price of coal. I want to say that I know what I say, and there is no guess work about it. When I say that coal is worth $1.25 a ton at Rock Springs, I mean just what I say, and just what I know to be true, provided the president of the coal company knows what he is talking about, and provided he tells the truth, and he had no occasion to lie about this thing. I am speaking now of the Balch-Donnellen company, who put up the money for a mining company for our town. He tells me that they produce their coal at $1.25 per ton, and when I mentioned the figures about freight, I am not talking about what it costs the Union Pacific to freight, I will tell you about that directly, but I was talking about the transportation this company pays to the railroad company for freight, and when I said that it costs them four dollars a ton to ship to Omaha, I mean just what I say, they pay to the Union Pacific in shipping from Rock Springs to Laramie just one-half a cent a mile a ton, and when I say that on their coal at Laramie, selling at six dollars a ton, they make an even three dollars, I mean just what I say, and I know what I say. The amount they pay is not quite half a cent, it lacks a small fraction of that, the real amount is $.00486, how much is that per ton? One dollar and twenty-five cents per ton is what they pay the Union Pacific for shipping their coal to Laramie. Now my friend says something about the men who handle the coal, the charges of commission men, I suppose they are paid, I don't know what they are paid, but perhaps I make a mistake when I say I don't know what they are paid. I am informed by a coal dealer in our town who handles the coal for the Balch company that they allow him a dollar a ton, then there is half a dollar paid for delivery, so that instead of the coal costing me six dollars a ton, it costs me six dollars and a half per ton, that half dollar is paid for delivery, the hauling of the coal, one dollar goes to the man who handles the coal, the balance of this price of six dollars per ton, goes to the producer, that is five dollars per ton for the producer, so that according to these figures if they pay the man who handles the coal a dollar a ton, the amount they make on the sales of coal in Laramie is two dollars instead of three, after paying all the expenses of the same. Now I want to tell you something about Union Pacific charges and I get this from men who know their business, and you can go to any official of the Union Pacific railroad company that knows his business and knows what it costs, and he will tell you that the average price of carrying freight over their road is one-half cent per mile per ton, but that the actual cost to the company of transporting open freight over its lines is one quarter of a cent per mile per ton. Now the figures that I have made I made them upon the half cent per ton rate, which is a very different thing. Taking then the freight charges of the Union Pacific, taking them the same as those we figure on for individuals, four dollars per ton as the price of freight to Omaha, it is an overcharge and don't amount to that much, I stated it a little over what it is, how is it as to the actual cost to the company. It costs the railroad one-quarter of a cent per ton per mile, making it four dollars and twenty-five cents delivered in Omaha, and a profit of two dollars and twenty-five cents on the ton. At Kearney at one-quarter of a cent per mile, the freight would be one dollar and fifty cents, which added to one dollar and twenty-five cents makes two dollars and seventy-five cents, or four dollars and twenty-five cents clear profit in Kearney. Now without going any further into the matter of these charges, and the profits that are made on coal, I want to go to another proposition, and show you just what these companies are paying in the way of taxes.

We take from the territorial auditor's books the amount as nearly as can be ascertained, paid by each industry, and as I said to you this afternoon, the proportion paid by the coal business is fifteen thousandths as compared with four hundred and fifty-three thousandths for one class of property, three hundred and ten thousandths for another and two hundred and twenty-two thousandths for another. I want to give you some other figures now. Take this Blair coal mine, the Balch & Donnellen company, how much tax do you suppose it pays in Sweetwater county? The six hundred and forty acres of coal land, the machinery and improvements, and whatever they have invested in the way of personal property, pays the large sum of $255.52. Take any man in Cheyenne worth fifty thousand dollars, and don't he pay more tax? How much would my friend Hay pay on fifty thousand dollars in Cheyenne, for all purposes, and this is for all purposes, and here is what I want to say, that the company probably has five times fifty thousand dollars invested, and they pay $255.52 taxes. They pay less than one-tenth of what you and I and every other man pays in this territory. Let us take some other figures. The Van Dyke coal company in Sweetwater county is assessed at $7,780 on the lands, and the personal property at $410, making $8,100 as the total, and $141.69 as the total tax paid into the county. Mark Hopkins & Co. are assessed at $4,250 for the price of a section of coal land in this territory, and they are assessed for improvements $1,700, making a total of $5,950, and a tax for all purposes of $102.93. Mr. Hopkins tells me that he has invested about a half million dollars in improvements, and it is assessed at $1,700. I don't know anything about the value of the improvements, because I have never seen them or the mine but this is the statement that I hear. Mr. Hopkins says whatever may be the value of his improvements that he seeks to put upon his property, they are assessed at a fair rate compared with the Union Pacific railroad company. If you will go to the report of Charles Francis Adams you will find that the improvements on the Rock Springs mines in Sweetwater county are put at about two million dollars. I don't remember the exact statement, but the report is here in town and the figures can be verified. What are they assessed at? For coal lands, the total is $51,045.60. The assessment of other property, personal property and other property, $196,998, making a total of $248,043.60, and a tax of $4,291.22. This is the total tax paid to the county of Sweetwater for county and all other purposes, by the railroad company on their valuation of coal lands and improvements. How much would you have to pay, gentlemen, if you had this amount of property? My friend Potter says why was it not otherwise assessed? I will tell you why it was not otherwise assessed, the Union Pacific railroad company elects the officials who make the assessment, that is why it is not otherwise assessed. That is the entire proposition in a nut shell, and when you say you want to leave this matter to legislation, I want my friends from Cheyenne to think twice before they say it, and I want the other gentlemen to think twice before they say we will leave this matter to the legislature, and I will tell you why. If there is anything that an honest man abhors it is to see a monied corporation in politics, and if you say that this matter shall be settled by the legislature you are saying when you do it that every monied corporation in Wyoming engaged in coal mining will come into your legislature as a politician and seek to have that tax put down at the lowest possible point. You force them to do it, by leaving it open to legislation, in order that they may serve their own interests, and I don't blame them any, you and I would do just the same thing. The danger lies in this, the combination of capital in the hands of the few; but that is not the only danger. It employs in its service such a number of men that it can always elect any man it pleases, to protect its interests, as I believe it would have the right to protect its interests, and as you all know it would, as you would seek to protect yours. It is forced into politics, forced into the lists with these men that go to your legislatures wearing brass collars. As you have seen in the past men elected to our legislatures wearing the brass collars of the great railroad corporation; you will see just such men wear the brass collars of the great monied mining corporations. Now if you would avoid that spectacle, I think it is clear to every one that the fair and only way to reach this taxation is upon the output. We have a sure thing and a certain thing then. We have a fair way of reaching just what proportion of tax it shall pay, and when you tax the output of the mines you know what you are doing, and there is no uncertainty about it; no guess work. You have the actual number of tons that you are to tax, and with this tax on the output in lieu of any other taxation, you have got a fair and just method of taxation, and one about which there is no uncertainty or guess work. Going a step further. What objection is there to this method of taxation? My friend seems to indicate that it is a special tax, and that it is special legislation. No one knows better than he does himself that it is not special legislation. Whenever you say that an industry by general law shall pay a tax in every part of the territory, shall pay a certain tax per ton, it is not special legislation, not a special tax, but it is a general proposition that applies to the entire coal output of the whole state. Special legislation is that legislation which effects a single individual, a single community, a single locality. This is not that kind. Now then what is the objection to putting this in the constitution? Many of these gentlemen say, why it is legislation to put it into the constitution, and they are not in favor of legislation in the constitution. I agree with the gentleman, I'm not in favor of legislation in the constitution. I agree with them that it is not wise to legislate in forming a constitution. But while I agree with the gentlemen on the general proposition, I say it is as necessary to limit the action of the legislature in some of these matters in the constitution as it is to do any other act in connection with it, and because we may be saved the spectacle of seeing men wearing the brass collars of these companies coming into the legislature, and doing their bidding. In order that we may be saved that let us say now that we will regulate so far as these monopolies are concerned this matter of legislation upon coal taxation, and put it forever beyond their reach. Let us put it where they shall never be called upon to change it or effect it by legislation. Whatever the sum you may choose, I don't care whether it is half a cent or five cents, whatever you may think best, in the way of fixing the tax on this coal, let us fix it in this constitution now and forever. I want when this constitution comes to be voted upon that every man and woman within the limits of the new state shall know just what its provisions are, and it is fair that they should know. These corporations should know it as well as every one else, and if they think it is wrong or burdensome, they are notified beforehand, and they can rally their hosts against it. If they do believe it to be unfair and unjust, let them endeavor to vote down the adoption of this constitution, and settle it then forever, and not leave it to future legislation to settle it. With this we will know and understand just what we are doing, and just what tax we will realize. On the ten millions of tons of coal mined there will be paid to the state a tax of about a hundred thousand dollars, and a hundred thousand dollars is a very respectable sum to realize, and that is just why I am in favor of this tax. I want the hundred thousand dollars. I want to see this new state provided with a revenue that will support it, and I want to see the revenue come from a source that is able to meet it, and when you say that this tax will produce a hundred thousand dollars it will come somewhere near the expenses of a state government, and it will come from a source that can afford to pay it, and it will save every corporation, every railroad company, every individual, some other and additional tax upon their property for the support of the state. Another reason why you should tax the output and not the acreage. Suppose you mine from your acre of coal land a few thousand tons this year, a few thousands tons next year, and so on until the eight thousand or five thousand or whatever it may be tons are exhausted, I want to ask my friend Clark whether the land that is left is worth anything after you get the coal out?

Mr. CLARK. Not a dollar.

Mr. BROWN. So then how are you going to arrive at a fair method of taxing this land after the coal is exhausted? Each year that you mine that coal you are exhausting the wealth of your country, and when the coal is all mined out and you have nothing left but a howling wilderness, with nothing in it, what are you going to do in the way of taxation? Are you going to tax this coal at a fair valuation, or are you going to say that our neighbors shall have the benefit of it for nothing, and that we may starve when the output is exhausted?

Mr. CLARK. I would not rise if it were not for the fact that I have been so astonishingly misconstrued by the gentleman who has just preceded me, but I cannot sit here quietly feeling that possibly there may be some member of the convention, no matter how he may feel on this subject, that may believe that I did make those statements, and did make the arguments just credited to me. I believe that I did not in my former speech oppose a tax upon the output of coal, but I did say that I was oposed to a tax upon the output of coal mines and no tax upon the output of other mines, and I have listened patiently and in vain through the two long speeches the gentleman has made, for any reason he could give why they should be. We are told that if this is left to future legislation, that the men who levy this tax will wear the brass collars of some great mining corporation. If that legislature wears the brass collar of some silver mining gang, why is it that silver mines are not included in this bill? Why is one industry singled out? And I say, Mr. Chairman, that I am tired of this demagogue talk about brass collars. No man in Wyoming is elected with brass collars. I look around me and I see gentlemen who have sat in the house of our last legislature; Mr. Teschemacher, elected by the people, and I ask whose brass collar he wore? I see my friend Mr. Adams in the lobby, elected by the people, and I ask whose brass collar he wore? Mr. Organ, Mr. Riner, and a number of others, elected by the people, and I ask whose brass collars they wore? I have got confidence in the people of Wyoming, and I have got confidence that they have elected and will elect as good a body of legislators as ever sat in this or any other territory or state, and I have got confidence that they will elect just as honorable gentlemen for the future legislators of this territory as sit in the house of this constitutional convention. Why limit these brass collars to the coal mining companies? I say to you, gentlemen, that if the future legislators of Wyoming are to wear brass collars at all, they will wear the brass collars of gold mines and of silver mining gangs, just as well as they will for coal mining corporations. My whole argument and my whole plea for justice in this question has been to tax all mines alike. If you tax the output of coal mines, tax the output of silver and gold mines; if you are going to leave any of it to future legislatures, leave it all to future legislatures. Now something has been said in regard to taxation on the acreage. I do not know the amount of taxes Mark Hopkins & Co. pay, but I do know that Mark Hopkins & Co. have not got a half million dollars invested in improvements. The only piece of land they have is 480 acres, on which they pay taxes on an assessed valuation of $9,600. I don't know about the freight rates given by my friend, but I do know that Laramie has got the edge over Evanston because the charges for hauling coal from Rock Springs to Evanston, 125 miles, is $3.50 per ton. I don't know what the Balch improvements may be, I don't know what taxes they pay, but I do know that they are mining coal in a mine which has been opened for years, that they have not been required to do any development work, all they have to do is to take out the coal, and they possibly may be able to produce it at $1.25 per ton. I don't know and I don't care anything about that. The gentleman has not answed my question as to why silver mines should be treated differently from coal mines, why tax the output of one, and leave the other to future legislation to deal with? I am not opposed to taxing coal mines, but I am opposed to anything that savors of injustice toward any one class of mines; that is what I am opposed to in this substitute section, and that is the reason why I am in favor of Mr. Hay's substitute, or the one suggested by Mr. Harvey. I think they are much the same, they both provide that the output of all mines shall be taxed alike. In speaking of special legislation, I did not use the term in the narrow and restricted sense which my friend has given it, but in the sense of inconsistent legislation against one class in favor of another.

Mr. HOYT. I think we will all generally agree that the subject has been pretty well argued, if it has not been exhausted, and even if it had not been, it would be a very great wrong at this hour to inflict a speech of any considerable length upon this convention. But since the moment is at hand when we shall have to vote upon this question, it may be as well to explain my vote now as at the moment of giving it. I wish now to state my position upon this question very briefly. This mode of levying a tax upon coal, as a means of raising a great revenue for the support of the state is a great temptation. Very fine pictures have been drawn of what would be the condition of things in Wyoming were at tax to be raised upon this one single article and the rest go scott free. Why my friend who lives upon his ranch, who herds his cattle and sends them to market, would rejoice to find that he would be relieved from the burden of taxation; and my friend the farmer, who is digging his ditches, irrigating his land and raising his crops, would rejoice to find that he too was relieved from the burden; but even though he should rejoice to have his burdens thus decreased, I do not think he would be willing to have it all thrown upon the shoulders of one man, or class of men, I know he would rather bear his share of it. Now I have thought of another side of this question. I thought and raised the question in my own mind, how will it effect the miner? My distinguished friend, Judge Brown, and others, in setting forth their side of the question, have made it appear that the consumer is to pay the entire tax; now, in my own mind, the miner will have to pay a good deal of that tax; the man who is delving in the mine, and who is spending his whole existence in the mine for the small earning he gets for his labor—how will it effect him? When the man who owns the coal mine finds that the tax is to be levied, he will burden the tax upon those mining the coal, and will give less wages for the labor which they perform. Now what of the consumers in our territory? We are told that this tax is all to come from the consumer. True, large portions of this coal goes outside, and we have little sympathy for outsiders, we are not bound to think of them, but are we not bound to think of our own people who consume this coal, one of the very necessities of life? We are going to make these people, the consumers, pay a tax on coal, a tax that will be almost enough to meet the expenses of a state government, and a large portion of that tax, a very considerable portion of it, will come out of the pockents of our own citizens, who are consumers. That is another point, but I think still of another. How will it effect the industry? I have been talking a great deal the last few months before this convention with men about the needs of the territory, and it is unanimously agreed that what we need most is capital. We have extraordinary resources, thirty thousand square miles of coal, endless soda lakes, inexhaustible supplies of oil, mountains of iron that have not yet begun to be developed. What we want is capital, and shall we not keep out capital if we discourage capitalists? Shall we build a Chinese wall around Wyoming and prevent the investor from coming in to develop its resources? Is this the policy of statesmanship? Is it not rather to throw open the gates wide and welcome capital with outstretched arms from every country, for the development of our resources? This is a question I have asked myself in all seriousness, and I have considered it ever since I came into this hall, and I have listened to all the arguments and I have waited for the gentleman to conclude his argument, to see if I could be convinced that the duty of Wyoming was to levy a tax upon a special article, upon a special industry, and I said to myself, how can we do this thing? This is opposed to the great economic law, and we have laid down in our declaration of rights a provision which says that taxation shall be equal and uniform, and I believe that no people can ignore the great economic law that has commanded the respect of all statesmen of every land. What we need is capital, incorporated capital, we want it to build railroads, our farms should be traversed by railroads, our iron mountains should be developed for their mineral resources, our soda lakes should have development, our iron mountains would have development, and we should see prosperous cities springing up everywhere. Why has Colorado become the great state she is? Because she has welcomed capital, she has not closed her gates, she has opened them wide, and Colorado today is a workshop, Colorado is alive with industry, she has some of the finest institutions in the country, and has made wonderful development and progress. Such a policy is a wise policy that encourages capital. As I understand it is not intended by this substitute to exempt these mines from taxation for all time to come, but only for a term of years, in order to foster an enterprise that requires capital, and we should not forget that great risks are involved in the investment of capital in a new industry in a new country, and it is intended by this to offer an inducement to capital to come, in order that our resources may be more thoroughly and more promptly developed. It would be delightful to have fifty thousand dollars a year from this source for the support of the state, but let us rather foster with zealous care all the industries of the state, and let every industry pay its share, and bear its share of the burdens of taxation gladly, as I believe they will. We are not so poor, so ground down, so utterly without resources that we cannot bear the burdens of a state, let us remember that, and welcome capital, in the hope that the burden will soon be distributed among millions of people, and with these millions of capital it will be easier to make our progress and development. Then the grand justice of this proposition, and justice is beyond all question, all sense of gain. We have laid down a constitution as broad as the world, as wide as humanity, and shall we disfigure it by putting into it a tax, a special tax for for the main support of the government, let us rather adopt a broader, more statesmanlike policy as it seems to me, and bide our time patiently, leaving this matter to be settled in the future.

Mr. BURRITT. I just desire to ask a question of the last speaker. If the general prosperity of Colorado is due to her having thrown open her doors, and because of her having this provision in her constitution, how is it that Nevada, with even a broader provision in her constitution than this, has no prosperity?

Mr. HOYT. I don't know about that, but if Colorado had adopted a more conservative policy than she did, she would not have met with the success that she has, and made such rapid progress.

Mr. BURRITT. While you have been talking of equality and justice, I desire respectfully to call your attention to the fact that this evening the speeches have been very long and very rapid, and however pleasant they may have been to the listener, they have been very fatiguing to the young lady who is taking notes, and on behalf of the young lady who is making a shorthand report of this, I suggest that if the committee is not ready to take a vote on this question, that it now rise and ask leave to sit again.

Mr. TESCHEMACHER. Let us take a vote upon it now, we all know how we are going to vote upon it.

Mr. CHAIRMAN. The question is upon the substitute offered by Mr. Hay. Are you ready for the question? All in favor of the substitue offered by the gentleman from Laramie will say aye; contrary no. The noes have it; the substitute is lost.

Mr. BAXTER. I move this committee now rise and report.

Mr. CHAIRMAN. It is moved and seconded that this committee do now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise.

Mr. President:

Your committee of the whole, having had under consideration the substitute for Files 7, 26, 27, 41, 54 and 55, report progress and ask leave to sit again.

C. H. BURRITT, Chairman.

Mr. PRESIDENT. Gentlemen, you have heard the report of your committee. What is your pleasure?

Mr. CAMPBELL. I move the report be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails; the report is adopted.

Mr. BAXTER. I move we do now adjourn until 9 o'clock tomorrow morning.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

TWENTY-FIRST DAY.

MORNING SESSION.

Wednesday morning, Sept. 25, 1889.

Mr. PRESIDENT. Convention come to order.

Roll call.

Mr. TESCHEMACHER. Mr. Organ requested me to ask that he be excused. He was called out of town this morning, but will be back this afternoon.

Mr. PRESIDENT. If there is no objection Mr. Organ will be excused.

(Reading of the journal.)

Any corrections to the journal? The chair hears none; it will stand approved.

Was there any action taken on the proposition to amend the rules for the purpose of creating another committee on address to the people and congress? Notice was given, but I think no action was taken.

Mr. CAMPBELL. I gave notice to that effect the other day, but some of the members seemed to think it should be made a special committee, and the rules need not be amended. I forgot to bring the matter up again, and I therefore ask that a special committee be appointed if it can be done.

Mr. PRESIDENT. If there is no objection the chair will appoint such committee. Are there any propositions or resolutions to be presented this morning? Reports of committees?

Mr. TESCHEMACHER. Committee No. 19 would like to report back File No. 60 and substitute for File 31 as properly engrossed.

Mr. PRESIDENT. Any further reports? Final reading and passage of files and propositions. File 82, police powers, substitute for which was recommended adopted by the committee of the whole. The secretary will read the substitute.

(Reading of File 82.)

Mr. PRESIDENT. Final reading of File 82. Are there any amendments? The question is upon the final passage of File 82. All who are of the opinion that the file should be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Mr. PRESIDENT. Gentlemen of the convention, your vote on File 82 stands as follows: Ayes, 29; absent, 20. By your vote you have adopted File 82 as a part of the constitution. There is upon the table this morning File No. 60, reported back by the committee on engrossment, and it is now ready for final reading and passage. The file refers to federal relations. Do you desire the file to be read by sections for amendment before final reading?

Mr. POTTER. Is that the one that is in the nature of ordinances? There are two printed files here and I don't know which one it is.

Mr. PRESIDENT. This was introduced by Mr. Fox. The first section reads: "The state of Wyoming is an inseparable part of the federal union," etc. If there is no desire to amend the secretary will read at length.

Mr. POTTER. I think there is something omitted in that as it stands, and I think it is necessary that it should go in. The senate bill provides that the convention shall declare by ordinances irrevocable without the consent of the United States and the people of said state, certain things. And I think the following words: "The following article shall be irrevocable without the consent of the United States and the people of this state," ought to go in there. They were in the printed bill, but are not in there now.

Mr. PRESIDENT. Gentlemen of the convention, it is apparent that there is an error in the engrossed file; these words are omitted from the first section of the original bill as it appears now engrossed. "The following article shall be irrevocable without the consent of the United States and the people of this state. If there is no objection these words will be placed at the head of the engrossed bill. Is there objection? The chair hears none; the secretary will place the words indicated at the head of the first section. The secretary will read the file at length.

(Final reading of File 60.)

Gentlemen, the question is now upon the final passage of the file as read as a part of the constitution. As many as are of the opinion that File No. 60 as read be adopted as a part of the constitution of the state of Wyoming will say aye as their names are called; those who are of the opposite opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on File No. 60 is as follows: Ayes, 29; nays, none; absent, 20. Gentlemen, by your vote you have adopted File No. 60 as a part of the constitution of the state of Wyoming. The file will now be referred to the revision committee.

The next file is File No. 31.

Mr. CHAIRMAN. The question will now be upon the final reading and passage of the substitute for File 31, on railroads, the same being reported back as correctly engrossed. It may be read by sections if it is desired to amend, otherwise it will be read at length.

(Reading of Secs. 1 and 2.)

Mr. CLARK. I desire to offer an amendment. I move to amend by inserting after the word "families" the words "ministers of the gospel."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HARVEY. I move an amendment to submit to the convention. Strike out all of Sec. 2 after the word "carriers," the part excepting employes and their families and ministers of the gospel.

Mr. HAY. Second the motion.

Mr. HARVEY. I don't think that ought to go into the constitution, not because I am not in sympathy with the employes of railroad people, for I believe they are a very deserving people, but I don't think we ought to embody provisions of this sort in our constitution, singling out one class of people to the exclusion of all others, is a sort of special legislation that we are all opposed to.

Mr. BAXTER. I hope this will not carry. I have no more desire to load this constitution with useless provisions and exceptions than any other member of this convention, but we have talked up and down and on all sides of this three or four times, on first one thing and then another, and wasting a good deal of time over it. It seems to me that this is just about right, excepting that it is a little clumsy. I don't think the reading is as finished as it ought to be, but I think it proper to make these exceptions. Let it read without any exceptions, strike out "excepting employes and their families and ministers," and add a separate sentence "employes and their families and ministers of the gospel are excepted from the operation of this clause." If the clerk will read the section you will see it is a little clumsy.

Mr. POTTER. That is a matter the revision committee can attend to.

Mr. BAXTER. I understand that. The revision committee have the power to change the language as long as the idea is retained, but they have not the power to interpret the meaning of this section. They are not pemitted to change the meaning, but change the language, and make it clear and concise to express the idea contained, but when you come to change the language you may change the meaning, and this I think is very clumsy.

Mr. HOYT. I wish it to be distinctly understood I am not opposed to the object to be accomplished by this section, as I think there should be some way to protect employes of a railroad in this matter, as they of necessity move back and forth a great deal, and I want to ask the gentleman from Uinta if he cannot form a substitute that will cover the ground in a more suitable manner?

Mr. CLARK. I will answer and say that I cannot improve on the language of the inter-state commerce bill, and this is the way the inter-state commerce bill reads word for word.

Mr. COFFEEN. I hope this amendment will not carry. I think this is just about right as it stands, and I feel just as Governor Baxter does on this question.

Mr. PRESIDENT. The question is on the motion to strike out all after the word "carriers" in the sixth line. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

I wish to remind the convention at this point that before taking up this file to be finally read I stated that it might be read by sections in order that it might be amended if desired. Now in this final reading we are wasting a good deal of time over little immaterial things, and I shall pretty soon enforce the rule and have these files read at length and not amended if this does not cease. The clerk will read the file.

(Final reading of the file.)

Are there any further amendments? The chair hears none. The question is on the adoption of the file as read as a part of the constitution. All those who are of the opinion that the file as read be adopted as a part of the constitution will say as their names are called; those of the opposing opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on File 31 is as follows: Ayes, 29; noes, none; absent, 20. Gentlemen, by your vote you have adopted the substitute for File 31, on railroads, as a part of the constitution of the state.

Mr. TESCHEMACHER. If the convention desire the engrossing committee are ready to make another report.

Mr. PRESIDENT. Is there objection to the committee reporting at this time? The chair hears none; the committee may report.

Mr. TESCHEMACHER. Mr. President, your committee No. 19 beg leave to return File No. 85 and substitute for Files 11, 38, 42 and 72, on corporations, as properly engrossed.

Mr. PRESIDENT. Gentlemen, File No. 85 is reported back as properly engrossed, and is now ready for final reading and passage. It reads as follows: "File 85, concerning labor. Sec. 1. No more than eight (8) hours shall constitute a lawful day's work in all mines, and on all state and municipal works."

Does the convention desire to amend? Otherwise it will be put upon its final reading and passage.

Mr. GRANT. I would like to offer an amendment by striking out the first three words "no more than."

Mr. COFFEEN. Mr. Chairman, I think probably the gentleman has the same impression about this matter that I had, but on discussing the question I found I was mistaken. It says "no more than eight hours." Now the purpose is that that may be reduced by the legislature but not increased, while if you strike out the words "no more than" it would leave it so it could not be reduced. Taking that into consideration, I am in favor of the file just as it reads.

Mr. PRESIDENT. Gentlemen, you have heard the motion that the file be amended to read "eight hours shall constitute a day's work." Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes seem to have it. Those in favor of the motion will rise and stand until counted—13. Those opposed will rise—12. The motion to strike out prevails. The question is now on the final passage of the file. The secretary will read the file as amended.

(Reading of File 85.)

The vote is now on the final passage of the file. All of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on File 85 is as follows: Ayes, 29; noes, 3. By your vote you have adopted File 85 as a part of the constitution. The next is the file on corporations, substitute for Files 11, 38, 42 and 72, reported by the committee of the whole, with the recommendation that it be adopted. The file is now reported as correctly engrossed. Do you desire it read by sections in order to amend? The file will now be read at length as the final reading. Is there objection to its being so read?

Mr. HARVEY. I should like to offer an amendment to Section 15.

Mr. PRESIDENT. Sec. 15 will be read.

Mr. HARVEY. I offer this amendment simply because on talking with a number of the members there seems to be considerable doubt as to whether there is any need of it in connection with Sec. 10. I therefore move to strike out Sec. 15.

Mr. POTTER. Second the motion.

Mr. PRESIDENT. The recollection of the chairman about this matter is that a vote was taken in committee of the whole, on a motion to strike out this section; that the committee refused to strike it out, that the bill as now read was reported back with the recommendation that it do pass, that the convention as a whole adopted the report of the committee, and thereby settled its action as to this section. Am I correct in the history of this matter? If the convention will vote a motion to strike out all right, but I am in doubt about its propriety under the rules.

Mr. HARVEY. I withdraw my motion.

Mr. PRESIDENT. The chair does not make this suggestion for any reason except that it doubts the propriety of the motion, upon this proposition the convention seems to have acted, and I believe the motion should be to reconsider in order to bring it up again, but notwithstanding I will put the motion if the convention desires it put.

Mr. BURRITT. I object to the withdrawal of the motion to strike out Secs. 10 and 15, covering the same subject. They are not exactly harmonious, and will lead to difficulty in the construction of the intention of this file.

Mr. PRESIDENT. Objection is made to the withdrawal of the motion. The chair will put the motion. The secretary will call the roll on the proposed amendment.

(Roll call.)

Gentlemen, the vote on the motion to strike out is as follows: Ayes, 19; noes, 12. By your vote you have decided to strike out Sec. 11 of the engrossed bill, Sec. 15 of the printed file, I believe. Are there any further amendments? The question is on the final reading and passage of the bill. Is there objection? The chair hears none; the secretary will read the file at length.

(Reading of the file.)

All who are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Mr. BURRITT. I desire to state that I have very great doubts about this being of any value the way it stands, but I am not sufficiently certain to vote against it, so I vote aye under protest.

Mr. CAMPBELL. I simply desire to reiterate what Mr. Burritt has said, and vote aye.

Mr. CLARK. There is much in this bill that does not appear to me right, but in view of the great good there is in it, I vote aye.

Mr. POTTER. I should like to vote for every section in this bill, but I cannot vote for that one section, so I must vote against the whole bill. I vote no.

Mr. PRESIDENT. Gentlemen, the vote on the substitute is as follows: Ayes, 26; noes, 6; absent, 17. By your vote you have adopted the substitute for Files 11, 38, 42 and 72, as a part of the constitution. This disposes of the final reading of bills.

Mr. MORGAN. I move we now go into committee of the whole for consideration of the revenue bill.

Mr. PRESIDENT. Gentlemen, it is moved and seconded that we now go into committee of the whole for consideration of the revenue bill. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Johnston take the chair?

Mr. CHAIRMAN. The clerk will please read the first section of the bill.

Mr. HARVEY. I desire to offer a substitute to that section.

Mr. CHAIRMAN. The clerk will read the substitute offered by the gentleman from Converse, Mr. Harvey.

CLERK. "The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for the taxation of all property, real and personal and possessory, excepting mines and mining claims, the output of which alone shall be taxed."

Mr. CHAIRMAN. Gentlemen, you have heard the substitute for Sec. 1. What is your pleasure?

Mr. MORGAN. I desire to offer an amendment to Secs. 3 and 5, and I offer it at once because the matters contained in these first five sections is the question now before the committee. I move to amend in the fifth line of Sec. 3 by adding the words "or sold by a corporation" after the words "mined therefrom."

Mr. CHAIRMAN. I believe these three sections were all discussed together last evening. Do you wish to do so this morning? If there is no objections these sections will all be considered together.

Mr. MORGAN. I desire to amend Sec. 5 by striking out all after the words "provided by law" in the third line and inserting "in such manner as may be provided by law, and in the absence of a law providing for taxation on the gross product of such mines they shall be listed for assessment, valued for taxation, and assessed according to value."

Mr. CAMPBELL. I don't quite understand the substitute. It seems to me from the reading of it, that the only way we could tax mineral lands or mineral of any kind would be to tax the output. Now I know, and a good many others know, that persons in New York have succeeded in getting title to a large body of coal land for the purpose of speculation, and they propose to let those lands lie there, without undertaking to develop them, until the right time comes and they see fit to operate them and take the coal out, and this substitute will be a great inducement to them to do that very thing, to hold these lands and not operate them, if you are going to reserve the lands from taxation. I cannot conceive of a more unjust proposition than that.

Mr. FOX. It seems to me that one thing has been omitted in all these amendments that have been offered here. There has been no provision of any kind or shape providing for the taxation of personal property. Now this amendment offered by the gentleman from Converse county seems to cover that point, and I think should be inserted here.

Mr. CHAIRMAN. Gentlemen, the question is upon the adoption of the substitute to Sec. 1, offered by Mr. Harvey. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question is now on Sec. 1 of the original bill.

Mr. BROWN. We were considering Secs. 2, 3, 4 and 5. If we are still considering these sections I desire to offer a substitute to Secs. 3 and 5.

Mr. CHAIRMAN. I believe Mr. Morgan's amendments take the preference.

Mr. MORGAN. Mr. Chairman, I listened patiently and with the greatest interest to the eloquent address yesterday afternoon and last evening of the gentleman from Albany, Judge Brown, and the splendid speech of the gentleman from Uinta, Mr. Clark, and as well as other able arguments from other gentlemen. We find, Mr. Chairman, that the large amount of the wealth of coal in this territory is not taxed as it should be under the present system, in accord with the ratio of other taxes, and that must be corrected. That must be rectified, they must be taxed so that we will have equal taxation in this territory. We have under the present system unjust taxation, and we should oblige by provision in this constitution those industries which do not bear their fair proportion of the taxes to pay their full share. Now when anyone intends to come to this territory, the first thing they ask is what is the rate of taxation? They find it is from three to four per cent, and the man who lives east says to himself, I can get four per cent on government bonds and other securities, and if I go to Wyoming I must pay three per cent or four per cent before I can start or begin to get any compensation for the investment of my money. That is the situation, and that is what we have got to meet. I have inserted in this section three the word "corporation" and why? Why not tax every person who has an output of coal in this territory? Why, sir, because corporations secure from the state bigger privileges. Because corporations can come along, and if I have a home that suits me, if I do not want to sell it for any price whaever, and if I want it there and upon my ground, a corporation can come along and have that condemned, and take it for their corporate property, because the state gives them the right to use that land, by surrendering that much of the state's power, that part of the people's rights, and I believe, Mr. Chairman, because the state does give exclusive rights and privileges to corporations that they should pay their proportion of the taxes, and the individual operator should not pay taxes upon his own output, because he pays it in a thousand different ways.

You ask us why we do not include all kinds of mines in this proposition. I will tell you why. We tax the output of coal mines because that is an established industry, and because it has been shown to us upon the floor of this house that they make a large profit, and can well stand that tax at the present time, and we do not tax other industries at this time because we do not know what to tax them, but I am willing to leave that to the legislatures of Wyoming to say, when the proper time comes, what soda shall be taxed, so it will bear its just proportion of the burden, what oil shall be taxed, because they can judge and we cannot what amount to put upon these things, at the present time, and I am willing to trust to the legislature, the moment soda becomes sufficiently developed so that it can bear any proportion of the tax, to place it upon that to the fullest extent that justice and right demand. Justice and right demand that we should have an equal taxation, and we will have it, and the only reason that we do not tax the other minerals is because they are yet in their infancy, we do not know what to tax them, but are willing to leave it to the legislature to fix that amount when it can be ascertained.

Mr. CHAIRMAN. Gentlemen, the question is on Mr. Morgan's amendment to Sec. 3. All in favor of the amendment will say aye; contrary no. The noes have it; the motion to amend Sec. 3 is lost.

The question is now on Mr. Morgan's amendment to Sec. 5, to strike out all after the words "provided by law." All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost.

What is your pleasure, gentlemen?

Mr. BROWN. I desire to offer as a substitute for Secs. 3 and 5, the following amended amendment: "All mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil, or other valuable deposits, as are or may be produced, shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof as may be prescribed by law, provided that the product of all mines shall be taxed in proportion to the value thereof, and provided further, that the output of coal mines shall be taxed at not less than one cent per ton for state purposes on each ton of coal mined, and not less than one-half a cent per ton for county purposes on the same product.

Mr. VAGNER. As a citizen of a coal county I am opposed to that amendment for this reason. There is not the right proportion in the distribution of the taxes between the state and county. The taxes collected in the regular way now are disposed of in this way. I think about eighty per cent goes to the county and twenty per cent to the territory. Now I think it would be unjust to the counties that produce coal to give the state that large proportion of the revenue collected in the coal mining counties. Is there to be a revenue on coal or the output of coal mines the counties should receive their just proportion, the same as any other taxes collected. For that reason I am opposed to the amendment.

Mr. TESCHEMACHER. As I come from a county not mining a single ton of coal, I should be on the other side of the question, but I think Mr. Vagner is right and I will vote with him.

Mr. PALMER. I suppose it is not necessary for me to say that I am very much opposed to this scheme of raising a revenue by holding up the coal counties to do it. I am very much surprised that gentlemen who have given this subject so much attention and thought, should advocate a principle of taxation so absurd, that the man who operates his mine, who develops it, who puts his money into it, shall be taxed because he does that, and the fellow that gets hold of land for speculative purposes shall be allowed to go scott free. Under the provisions of this amendment you tax the output of coal mines and do not tax the man who has a coal mine idle, or coal land and don't bring it into use, and therefore I say to you that the people of Sweetwater county will not support this measure; they won't support your constitution, and I tell you the people of Sweetwater, and Carbon, and Uinta, counties will not be held up in any such manner as this. I know how they feel about this; they say if we are going to be taxed here, if the funds of this county are to be taken from us for the support of a state government unjustly and out of all proportion we will not support your constitution. Now I want you gentlemen to consider that in your deliberations. I don't make that as a threat at all. If you don't do justice to us, if you don't treat us right, if you make a law that discriminates unduly against us, and our interests, we cannot support your constitution, and you cannot blame us for it. I don't know where this scheme or plan originated, but its effect is so apparent that we can see the object of it. They want to take from the county of Sweetwater probably forty or fifty thousand dollars a year for county and state purposes, where you cannot take a cent from Laramie. Laramie has no such taxation. You discriminate against the coal business entirely. Some of these gentlemen in this convention are interested in soda. You don't want to touch your pet interest, but you jump on those who are in the coal country. Why don't you tax your soda lakes, why don't you apply this to all the other mining interests, and don't discriminate against the coal lands? All the people of Sweetwater county want from this convention is justice, and if they don't get it they will be compelled to resort to other means. You cannot, gentlemen, as a principle of taxation find in any of the books ever written on the subject a just cause for taxing one particular industry. It is against all the rules of science on that subject. You will destroy the coal proprietors of Wyoming, for they cannot compete with the Colorado men, if you are going to put a tariff on coal, and therefore I say to you, if this provision goes in the people of Sweetwater will be compelled to vote against this constitution.

Mr. JEFFREY. I have refrained from saying anything on this subject for the reason that I was in hopes some of the gentlemen who have presented to the committee such eloquent arguments would begin at the very foundation of the business, which I believe is that every class of property should pay its just proportion for the support of the government in proportion to its value. As suggested already by Mr. Fox, I have been unable to find anywhere in this revenue file any provision for taxing personal property. I don't think it gets at the matter in the right way. I believe we cannot afford to embody in this constitution any thing that will smack in the least of special legislation, or that will tend to show that in our minds there exists any intention whatever either of legislation for or against any property, and I believe when you come to look into this, you will find it is special legislation. I believe the terms expressed in this constitution should be broad enough to cover all classes of property, in the same provision, and I have therefore prepared and will offer as a substitute the following: "The legislature shall provide for such revenue as may be needful by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to its, her or his property and franchises, the value to be ascertained in such manner as the legislature shall direct." Now in regard to the mining question. I have this to suggest. And I suggest it with the best intentions in the world. If this convention sees fit to place a maximum and a minimum rate of taxation upon this class of property, I can see no objection to it, and I would not offer any objection. "All mines and mining claims" down to the word "provided," I think covers the whole ground, in a fair, just and equitable manner. If you are going to include one I say include them all.

Mr. BAXTER. I am in favor of the amendment as offered by Judge Brown, and I fail to see how it can be unjust to any man or to any interest. It seems to me, as well as I can judge from hearing it read once, to cover about the ground that I took last night on this question. I don't believe there is a man in this convention who has any other thought or desire than doing as nearly right to all the various interests to be taxed as may be possible. I believe we want to do what is right, the only question is as to what is right in this case, and how to get at it. We all know that under the present system of taxation the coal interests have not been paying their just proportion, nobody will dispute that proposition.

Mr. PALMER. Is that the fault of the law or the mere administration of the law?

Mr. BAXTER. I don't know that it is necessary to say where the fault lies, possibly it is with the administration of the law, but the fact cannot be disputed that the coal interests have not been bearing their just proportion of the burdens of taxation, and it is fair to assume that a change of government, leaving the old system, the law as it is now in vogue, is not going to make any improvement in it.

Here are all kinds of interests that are taxed according to their supposed valuation, real estate in the city, its value is ascertained and it is taxed according to its value, ranch property in the country, its value is ascertained and it is taxed according to its value, while so far as we can see the method now in vogue operates all right except as to the question of coal. The same condition might exist if we had the same development in other mineral lands, so we could pass an opinion upon it, know what it is worth, but we have not any such development up to this time.

Now this amendment does not propose any injustice at all, but simply the method by which this tax shall be levied. Here is a coal property, its value should be determined by the value of the coal that lies within its five or six sections of land. The value primarily is in the value of the improvements put there to operate the mine. It may cost fifty thousand dollars to operate this or that mine, and the product of that mine may be worth two hundred million. Now the value of this property is in the value of the product that it will produce. How are you going to determine what that product is? We can only tell what is in there by what comes out of the ground. and we will tax it as it comes out of the ground. Not say it is worth twenty or fifty dollars an acre, but we will arrive at its value by the value of that which comes out of the ground as an evidence of it. There is no injustice in it, and here is the difference it seems to be in attemping to fix the value on the land. If you take a tract of land worth a million dollars, because of the value of the coal on it, and tax it on the million dollars valuation from the time it becomes the property of a coal company and before they have sufficiently developed it to get anything out of it, you are placing a heavy burden on them to begin with, and the tax would not increase or decrease as the coal became exhausted. Now under this system, the value would be upon what it produces, if the output became smaller it would pay a smaller tax, if the output increased it would increase the tax. As for any discrimination against coal in favor of any other interest, it is provided that the legislature shall in the future tax mineral, oil, soda, silver, or anything else, that is a natural deposit in the ground, and it should be taxed. We don't do it now because we cannot do it intelligently, but we have a sufficient development of coal to act intelligently upon the question of coal. It ought be at least one cent for every ton mined. I have talked with several gentlemen about these other minerals and they all say that they have not sufficient knowledge to fix any figure upon these other minerals, but we make it the duty of the legislature from time to time to tax the output of all other mines, or oil, or anything else taken from the ground, for the support of the state in such manner as shall be fair and just, and tax it on the same system as we have adopted for coal.

Mr. JEFFREY. May I ask one question? Would it not be fair to fix an advalorem tax, a certain per cent upon the value of the output, and apply it to other mines as well?

Mr. BAXTER. I don't say it would be unfair at all.

Mr. JEFFREY. Why not do it then? If coal worth so much per ton is subject to a tax of such a per cent of its value, why not enjoin upon the legislature to fix the same per cent upon the value of the products of other mines?

Mr. BAXTER. This amendment evidently does that. They shall adopt the same system, and from time to time impose this tax upon any other interest developed within the state of Wyoming, and I want to say, Mr. Palmer, that the claim that Wyoming operators could not compete with operators in other states was shown to be utterly inconsistent last night by Judge Brown. If they don't have this tax they must have some other kind of taxation, they are taxed in Colorado in some other way. We pay in one form in Wyoming, and in Colorado they pay upon the value of the land, which is in some way assessed so that it equals the tax the mines pay that are assessed in this way. We are simply changing the method in which to pay it. This tax I think would come on the consumer. I think the consumer always pays the tax. He pays the original cost and the profits also.

Mr. JEFFREY. I have failed yet to discover any argument, and failed to hear any argument, that will change my mind in the least. The gentlemen who have talked in favor of taxing all minerals, or talked as opposed to levying a special tax upon coal, have all contended that they are not opposed to levying this tax upon coal. I have not heard that disputed upon the floor of this convention. What has been contended for and what I contend for is in my opinion just and right, and that is this: If you are going to tax coal tax everything that comes out of a mine in the shape of an output.

Mr. BROWN. Can you specify what the tax should be upon all these other mines? That is what we want. If you can specify the tax, that is just what I want, and just what we all want.

Mr. JEFFREY. I will say that I cannot specify the tax, but I believe if you specify a tax of a certain per cent upon the value of the coal and say there shall be a tax of the same per cent upon the output of other mines, I venture to say it will be entirely satisfactory to the majority of the members of this convention. That is all we ask, that they all be taxed alike. I want to ask permission with the consent of my second to strike out all after the word "direct."

Mr. POTTER. I am in favor of Mr. Jeffrey's amendment simply because it refers to all mines, and leaves it to the legislature to fix a maximum or minimum rate, or to set in operation the idea of taxing the output. I am satisfied with this, and I will not vote for anything in this bill that shall provide for taxing the output of coal mines, and shall fix a maximum or a minimum rate.

Mr. BROWN. I don't know in what situation these amendments are. The substitute I offered for Secs. 3 and 5 at least has the preference in point of time to any other amendments, and I desire to call the attention of this body for one moment to this amendment, and I will say right now that it is made in deference to what seemed to be the sentiment of the gentlemen on the floor of this convention, they want all mineral output to be taxed in the same way. Now this provides that it shall be so taxed, and there would be no uncertainty about it. "All mines and mining claims shall be taxed on the gross product thereof," that is just what they have been saying they want, and I give it to them in just that shape, and in order that there shall be no mistake about it, we go a little further and say "provided that the product of all mines shall be taxed in proportion to the value thereof." So that it proposes nothing but what these gentlemen have said they were all in favor of, that they should be placed upon exactly the same footing, that the products of all mines are to be taxed equally, and in proportion to their value. Now there is another provision, and provided further "that the product of coal mines shall be taxed not less than one cent per ton for state purposes on each ton of coal mined, and not less than one-half cent per ton for county purposes on the same product." Now there are gentlemen who have said that we ought to leave this to the legislature. We provide that the porduct shall be taxed in proportion to its value, and in fixing value that shall be a guide to legislatures hereafter, we say they shall pay a tax of not less than one cent for state purposes and not less than one-half a cent for county purposes. Gentlemen, I propose to fix a minimum because we want something settled, and I have put this minimum in here in this way, not in accordance with my judgment as to what it ought to be, but in order to meet some objections that were made to the bill as originally drawn. If I was to have my way about it I should say that this should be fixed at four cents per ton, that is what I should say about it, and that is a just and fair tax, and I would say that for the reason stated last night in order to keep corporations out of the legislature, and I fix the minimum here on coal because there is at the present time an output of coal, and there is no output to speak of of any other mineral substance. Now because there is an output of coal at the present time, it is necessary that we levy a tax upon that output at once, and not leave it to future legislation. If we were producing oil at this time, if we were producing soda, or silver, or any of the other metals, I would say let us put them in here, and fix it eternally that they shall pay so much, but we are not producing silver, and we are not producing "soda, saline, oil and other valuable deposits," and therefore there is no reason for fixing a minimum valuation for these, but leave it to the legislatlure to tax them upon the minimum price fixed here for coal; we establish one valuation, and the valuation of all others will be measured by that.

Mr. PALMER. Will Judge Brown permit a question? What is the object of revising or changing the original system of taxation in trying to get at these coal lands? Is there anything gained by that?

Mr. BROWN. I will answer the gentleman's question. There is much gained. As it is now we practically get no tax whatever on the coal output, it is comparatively nothing. It is the richest and most prosperous business within the limits of our territory, and yet it produces but fifteen one-thousandths of the whole tax paid for territorial purposes.

Mr. PALMER. Is that the fault of the law or the administration of the law?

Mr. BROWN. It is the fault of the law and the administration of the law, and it will be the fault of the law and the administration of the law as long as it is permitted to exist. There is only one way to change it, and that is to tax the output, and it is the only fair way, and I challenge any man on earth to say anything else.

Mr. CLARK. What is the object of making the territorial tax one cent, and the tax one-half cent for county purposes?

Mr. BROWN. I will answer that question. The territory is bound to pay the expenses of its mine superintendents or mine inspectors, and I believe these mine inspectors are of great importance to the territory, but as I stated last night the maximum amount received by the territory for general purposes from all the mines is about $1,250 per annum, for all territorial purposes, and we receive for all general territorial purposes from other sources, not in addition to that, but including that we receive from all sources about $80,000 per annum. It is easy to compute it, we have about thirty-two millions assessed valuation, and a two and a half mill tax on that valuation, if we collected it entirely, would amount to $80,000 for general territorial purposes. Now of that we receive from the mining interests of this territory, it amounts as near as we can reach it, to $1,250, that may not be the exact figure but it is I think as near as we can calculate. That is the way the thing stands now, and we pay out every year in mining expenses, the territory expends, from thirty-five hundred to four thousand dollars. The record of our appropriation laws will show this. Now as we pay out this large sum of money and the counties pay nothing, is the reason why we say that the state should have the larger proportion. I don't know as these proportions are exact, but if we were to follow the examples of other states, they don't allow any taxation for counties, it is made solely for state purposes, but it seems to me and it has seemed to be the opinion of many gentlemen on the floor of this convention, that it was fair at least to give the county some proportion of the tax realized from the output of coal, and therefore I have been in favor and am in favor of giving a portion of this tax on the output to the county, and I would be glad to go further and comply with the suggestion of the gentleman from Uinta, Mr. Russell, and say that so much of this county tax as is not necessary for other purposes shall be applied to the school fund of the county, the balance of it to go into the general fund, and if a proposition of that kind is presented I am in favor of it. Now as to this whole thing. I have put it in the language the gentlemen ask, except in the single proposition that we fix a minimum on the coal output, something produced at the present time, and I think that is very necessary in order to measure the other values when the output becomes an established fact.

Mr. HOPKINS. What did you say the coal land tax is?

Mr. BROWN. The whole amount I have stated raised by the territory at the present time from the coal mines, the coal lands, the full tax levied upon coal lands and the improvements is $1,250. That is the outside. Of course that does not include what goes to the counties.

Mr. RUSSELL. This one cent per ton that goes for state purposes, would it not create such a surplus as to make it a great temptation for unnecessary extravagances and steals, and perhaps to have unnecessary offices created?

Mr. BROWN. If in the history of Wyoming territory the time ever comes when there are twenty million tons of coal produced, the one cent tax per ton will not meet the necessary expenses of the government of the state. Whenever the population of the state shall be so increased, and its diversified interests so developed, that there will be an amount of twenty million tons of coal, the expenses of the state will far exceed the revenue thus created. Now what about the officials of the state. We have fixed the number of officers that can be created, or will be created, by the terms of our constitution, and in addition to that we have surrounded them by such safeguards and restrictions, that no man I take it will ever want to plunder the state, if those regulations and provisions of the constitution are enforced.

Mr. TESCHEMACHER. I just want to ask a question. We have heard a good deal here about robber legislatures and robber counties, especially the counties of Laramie and Albany. Now I want to know what you suppose will be said by the counties of Uinta, Carbon and Sweetwater, the only coal producers today that are really making money in the coal business in this territory, when it shall be found out that the robber counties of Albany and Laramie, that do not produce a single ton of coal, have placed a provision in the constitution which makes these three counties pay one-third of the whole state expense? I think they will accuse us of being worse than robber counties.

Mr. BROWN. When oil shall be developed, when gold and silver and the other metal products of this territory shall be developed so we can tax them intelligently under this substitute, they shall be required to pay their just proportion.

Mr. HOPKINS. I have taken it for granted that one of the benefits to be derived from statehood, and I have heard it advanced ever since the question came up, that it is desirable to bring outside capital into this state, to develop the latent interests of this territory. Now as to taxing the output of coal mines. I want to say his: The cost of the original improvements, that is the money that you have to put into the property to develop it, is about two cents per ton, that is a fair average. That is the actual cost of the improvements. Now the gentlemen of this convention propose to increase that original cost of two cents per ton, two and a half cents or more, more than double it in fact. Under these circumstances, in what position does the Wyoming coal man stand compared to his neighbor across the line? If a man wants to invest in a coal mine, and he goes to work and figures it out, he will say to himself it will cost me twice as much to develop a coal property in Wyoming as it will in Colorado. In Colorado there is just as good coal land at the same price; I will develop a mine in Colorado. I understand that the figures regarding the cost of coal, and the profits, has been dwelt upon here. I rather believe it has been exaggerated, misrepresented. The facts as these: A ton of coal to the operator of a coal mine costs $1.50, or in the neighborhood, at the mine. He sells that coal for $1.75 a ton, the profit is 25 cents a ton. I would like to ask you what the retail dealer makes. He makes 50 cents a ton, and the producer makes 25 cents. It would be more just if you would place this tax upon the retail dealer, and I would suggest that that be done.

Mr. BROWN. Will Mr. Hopkins permit me to ask a question? Is there a man who desires to come into this territory or state, and engage in the mining business, who is not willing to pay a fair tax upon his investment? I contend no, and that is why I ask that the tax be placed on that basis. That it be placed on the same basis as any other tax is, on the actual investment and actual profit.

Mr. HOPKINS. The government of the United States says that the coal lands we have are worth twenty dollars an acre, and I am perfectly willing to pay taxes on that basis for every acre of coal land I own.

Mr. PALMER. I move this committee rise and report.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that this committee now rise and report. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The committee refuses to rise. Any further remarks?

Mr. HOYT. I have just a few words to say on this subject. In the first place if we are going to levy a tax, I insist it should be an advalorem tax. If we are to tax the output of mines, let it be the output of all mines. Then let it be advalorem, according to the value of the output, of whatever mine it may be. Let the tax be equal and just. Not direct special, but so much per ton according to the value. In the next place it seems to me that there is an inequality in the distribution of the proceeds of this tax, that is to be made. That the counties which are to pay this tax should reserve the right to themselves, or have reserved to them under the law, a large proportion of the proceeds thereof. In the third place I am opposed on general principles to the taxing of the output of mines in the early development of a territory like ours. It is opposed to the great economic principle to tax the output of mines in their infancy. In the fourth place, if it is impossible to raise a sufficient revenue by this general and broad principle, then it is the inherent right of the state to resort to other methods, and having resorted to other methods, such as taxation upon a young industry, upon a developing process, let the tax be broad and equal and just in every particular. If we cannot make it so, then I cannot support it.

Mr. CLARK. I am opposed to this substitute and although evidently offered in good faith, and in the spirit of fairness, it is exactly the original proposition sent in by the committee, except as to the definite time of taxing the lands of other mines. If the gentleman is desirous of laying down a fundamental law of taxation, he meets my idea exactly, but he is willing to trust to the legislature to fix an equitable and just assessment upon gold, silver, upon soda lakes, and other valuable deposits, but he is afraid a legislature cannot be found which will be honest enough to fix a tax upon coal. If a legislature is honest in one particular, it will be honest in another. If it will be dishonest in taxing coal mines, it will be dishonest in taxing other mines, because if it is dishonest in one particular, it is dishonest all through. I don't want to vote upon this proposition now, and I am sorry that we cannot take a recess. I have tried to the best of my ability to verify the figures that have been given upon this floor. I believe that members of this convention will be influenced in their vote by the statements made that these coal mines have not contributed their just proportion of taxation. I have found in examining these figures, so far as my limited time would allow, such gross errors that I do not know how true the other figures may be. It was stated upon the floor of this convention yesterday, that Mark Hopkins & Co. paid a poor, little, miserable tax, and that Mark Hopkins had stated to the speaker that he had half a million dollars worth of improvements on his mine. I do not say that this was not correct, but if Mark Hopkins did say it, I know he said that which was not true. I say that if Mark Hopkins ever said in any man's hearing that he or his company had a half million dollars worth of improvements at their mine, he multiplied it at least by ten. I will guarantee to say from general observation, that the improvements at the Mark Hopkins mine will not exceed fifty thousand dollars, and probably not anywhere near it.

Mr. BROWN. In hastily glancing at the figures before me on the paper I made a mistake. I had fifty thousand on the paper, but in glancing at it I called it five hundred thousand.

Mr. CLARK. There probably are other figures that were changed in glancing at them, because there is no company today shipping coal from Rock Springs to Laramie at $1.50 freight. I make that statement and I challenge any man to prove that $1.50 is the rate on coal or any product of coal from Rock Springs to Laramie. Mr. Grant pays freight at $1.25 upon slack, but for merchantable coal, such as we are talking about, selling here, is $3.00, and every man pays it.

Mr. BROWN. Mr. Grant gave me the figures, and can correct me if I am wrong.

Mr. GRANT. It was slack.

Mr. CLARK. It was upon slack he bases his figures, that which is absolutely worthless at the mine. And I don't suppose that any gentleman here wold say that the value of a coal mine should be taxed on the slack. The worthless part of the mine, which they have to throw away.

So I say to you, the figures as given give a wrong impression and I want time to further investigate this matter before voting upon it finally. Mr. Hopkins bears me out on the estimate as to the profit on merchantable coal, twenty-five cents per ton. The figures I have obtained this morning, the tariff sheets which are published and which the laws of the United States say they must abide by, containing the freight rates on coal to every town to which coal has been sent, I have examined those figures most carefully, and I have attempted to verify the figures to Laramie. I have attempted to verify the figures to Kearney, I have attempted to verify the figures to Butte, but I fail to find in any case the statements made upon this floor correct. So I say to you gentlemen don't credit this one. Don't rush this thing to a vote. Let us have an opportunity to be correct in this matter. Give the members of his convention a chance to investigate this matter. This is a radical departure suggested here. In no constitution of the United States is the limit fixed in this manner; and when the gentleman says that his substitute is in the direct line of my suggestion, I say it is in the direct line and a great deal further than in the direct line. I believe in leaving all this to the wisdom of the legislature, because I believe one mine is the same as another, because I believe that the law will be honest with all, because I believe that the future legislatures of Wyoming will be as good a body of men as sits here today, I believe they will know better than we do what will be the necessities of this territory for the next ten or twenty years to come. I say to you that the legislature that will be honest with silver will be honest with coal, and if it is dishonest with coal it will be dishonest with silver, and so I say to you gentlemen, I don't want to be rushed to a vote upon this proposition, I want an opportunity to further examine the figures presented, I want to look round, and I urge you not to be convinced by figures which have not received examination even from the gentleman himself, to see that they are correct, because I say to you, gentlemen, that every figure that was presented by the gentleman in his speech yesterday, that I have had an opportunity to examine, were absolutely and unqualifiedly incorrect, and I say I want to examine them further. I want to see how a decision is to be made. Now if this is a fundamental proposition of constitutional law, I am willing to treat it that way, and see whether it is a wise proposition to put into the constitution at all. If it should be found necessary in order to guard the interests of our territory, that we insert some provision for the taxation of mines, well and good, but when it comes to fixing a limit, whether it be high or low, I don't want this convention to be influenced by any figures that have been presented that are incorrect. I want the figures upon which we are to act absolutely correct. I want them proved, and I want them exact, because it would be a bad state of affairs if we should be mislead by figures offered here, with the best intent no doubt in the world, but which are unqualifiedly incorrect.

Mr. HOYT. I move this committee now rise and report, and ask leave to sit again, if such a motion is in order.

Mr. CHAIRMAN. The chair believes such a motion not a proper one to be made at this time.

Mr. TESCHEMACHER. I move that Sec. 5 of this bill be stricken out.

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that Sec. 5 of this bill be strickent out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. CAMPBELL. I move this committee rise and report, and ask leave to sit again.

Mr. CHAIRMAN. It is moved and seconded that this committee now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will rise and report.

(Reading of report of the committee.)

Mr. CAMPBELL. I move the report of the committee be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The report of the committee stands adopted.

Mr. CAMPBELL. I move we now take a recess until 2 o'clock

Mr. PRESIDENT. Gentlemen you have heard the motion, that we do now take a recess uptil 2 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. We will now take a recess until 2 o'clock.

AFTERNOON SESSION.

Wednesday afternoon, Sept. 25th.

Mr. PRESIDENT. The convention will come to order.

The business upon the table, gentlemen, is the general file, special order.

What is the pleasure of the convention?

Mr. SMITH. I desire to ask the consent of the convention to introduce a resolution.

Mr. PRESIDENT. Is there objection to the gentleman introducing a resolution at this time? The chair hears none. The gentleman may present his resolution.

Mr. SMITH. It is a resolution of thanks to Mr. Carroll. "Resolved, That this convention extend to Hon. W. P. Carroll their vote of thanks for his courtesy in attending upon this body and administering to its members the oath of office. And be it further resolved that a copy of this resolution be sent to Mr. Carroll."

Mr. PRESIDENT. If there is no objection the resolution will be acted upon at once. The question is upon the adoption of the resolution of thanks to Mr. Carroll. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the resolution is unanimously adopted. What is your further pleasure, gentlemen?

Mr. BURRITT. I move we go into committee of the whole for consideration of the special order.

Mr. PRESIDENT. Gentlemen, you have heard the motion, that we now go into committee of the whole for consideration of the special order. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Johnston take the chair?

Mr. CHAIRMAN. The committee will please come to order. The question at the time the committee arose was on Judge Brown's amendment. Are there any arguments to be presented on this amendment?

Mr. ELLIOTT. I move to strike out the last proviso of that amendment, and I do it for this reason. I am perfectly satisfied from the course of this convention that the proper way to tax these lands is to tax them upon the output, but I am further satisfied that we are not prepared to fix a minimum or maximum rate on the products of coal mines at this time.

Mr. CHAIRMAN. It is moved and seconded that the last provision of this substitute be stricken out. Are you ready for the question?

Mr. COFFEEN. As I understand it we are not to pass upon the substitute offered by Judge Brown, but simply the amendment that has been offered here to strike out certain words, to strike out that which fixes a minimum price to be paid on the output. Now I am in favor of that and shall vote against this motion to strike out, but there are gentlemen who are opposed to that and will vote the other way. I hink we have come down to this point now to consider one question at present, and that is this: Is it better to leave it entirely open to the future legislatures of the state without anything to guide them whatever? Is that the better thing to do? That is the question I believe. After having figured upon the estimates given by those who are opposed to me in my position, I have concluded so far from one and a half cents being too high, it is not nearly as much as we pay generally in the northern counties on our own products, and I insist therefore if we cut it down to such a low minimum that an injustice will be done. A word in answer to the gentleman who has taken the ground in general opposition to this here. He wants equality and justice in taxation, but I say there is no injustice in this, it is less than we pay on our other products, and land everywhere else, so I say there is no inequality about it. But then you say why fix it at all? It is to guard and protect the interests of this people against the influence in the legislature that will result in an injustice to the people in favor of the corporation. I believe we ought to start with a minimum, and if you wish to put it up higher, I have no objection, but we ought not to permit any legislature in the future under the influence of corporate interests, to put it less than one-half cent per ton. I think this is very conservative. And I trust the convention will not strike out this provision.

Mr. RUSSELL. I have sat very patiently and listened to this question as it has been discussed, and have had very little or nothing to say about it. Still I believe I am personally interested, being a coal miner. The question has been debated here, both pro and con. As a coal miner I am satisfied as to the principle. I believe, and have believed, so far as my humble judgment will allow me to judge, that the principle is correct, but where the trouble comes with me is as to the practical operation of the thing. Now it has been said this morning, and it has often been said upon this floor, that if this convention don't do so and so the people of this county or that county will not vote to ratify this constitution. I wish to say this in respect to the miners. I believe today that the people, my constituents who sent me here, if this question was presented to them, would probably refuse to consent to ratifying it, as they would not generally understand the question, and it would have to be explained and discussed to convince them that it was right. I believe that it would not be in favor with my people, the miners of Almy, yet at the same time I am convinced that the principle is right in itself, the only question is as to its operation. Still I wish to say to the members of this convention, that my people, my constituents have placed no restrictions upon me, all the restrictions they have placed upon me is this, if my views are not their views, they sent me here to represent them and use my best judgment. I do not think it is right or wise for any member to get up here and say that the people will not ratify this constitution. I am not placed here by the people who sent me here with that idea over me. If such were the fact I would not be here. In my judgment the principle is right, yet we cannot agree as to a proposition as to its operation. It has been often stated that we could not trust the legislature. I have objected to this thing being mentioned on the floor of this house, on one or two occasions, and take occasion today to object to it. It is not right to the people of this territory. The members of the legislature that have come here to make laws were, I consider, honorable men, and I believe today we should give credit to the men who made the laws we have lived under so far. And will live under for some time to come. I think we have spent a good deal of time on this question, and some members have done a good deal of talking, and I believe that the members of this convention who are inclined to be silent are getting tired of it. I have got to get back to my work, to my family and children, still I would like to see the work finished. Therefore, so far as I am concerned, I will vote that the measure shall be decided by the state.

Mr. CHAIRMAN. Gentlemen, the question is on the motion to strike out the last clause of Judge Brown's amendment. Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise and stand until counted—17. Contrary will rise—9. The motion is carried. The question is now on Judge Brown's amendment as amended. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. GRANT. I move to strike out Sec. 4.

Mr. CAMPBELL. I move to amend by striking out all of Sec. 4 after the word "value" in the fourth line.

Mr. FOX. I rise to a point of order. Sec. 2 is the section we are considering. We cannot consider 4 unless you consider 2.

Mr. CHAIRMAN. I think the point of order is well taken. Sec. 2 is the one before us.

Mr. POTTER. I move to strike out Sec. 2 and insert the first three lines, and the word "value" in the fourth line of Sec. 4, of the printed file, as Sec. 2.

Mr. CLARK. Before the question is put I desire to say this: That "according to the United States survey" is not conclusive evidence by any means as to what kind of land it is. The returns of the United States survey has shown on the land plats in the United States land office at Evanston whole townships designated as coal land, when as a matter of fact in the whole township there may not be an acre of land available for coal purposes, and time and time again has the classification been changed by the government at Washington on the application of some settler who wished to take up land under the homestead or pre-emption laws. In the section Mr. Hopkins comes from a large portion of that land is returned as coal land, when it is absolutely valueless except for grazing or agricultural purposes, and it seems to me that the basis of assessment ought to be what the land really is, rather than what a man running over it with a chain says it is, in his report to the government. This land I speak of is returned by the United States survey as coal land, when it is absolutely valueless for coal land, is not coal land in any sense of the term.

Mr. POTTER. I move to strike out "United States survey."

Mr. HAY. That seems to me the proper way. The objection made by Mr. Clark as to land designation by the United States survey is a very good one. I have surveyed these lands myself, under instructions from the government, and their instructions were to give the benefit of the doubt to the land. If a surveyor had any reason to believe that the land was coal land he was to so report it, and the government might thereby get the benefit of the doubt. A great many sections that were designated as coal lands have been changed, and I believe if you pass this in this way that great injustice will be done.

Mr. CHAIRMAN. The question is on the motion to strike out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

The question is now on the amendment to insert the first three lines of Sec. 4 as amended down to the word "value," as Sec. 2.

Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments? The chair hears none. This I believe disposes of the first five sections of the file. Sec. 6 will now be read.

(Reading of Sec. 6.)

Any amendments to Sec. 6?

Mr. HARVEY. I move to strike out Sec. 6.

I don't think it is customary to put a limit on the taxation. I move to strike it out.

Mr. COFFEEN. I trust the convention will think a moment about this. Is it not the duty of the constitutional convention to properly limit taxation as a safeguard to the people? I shall stand by the section as it reads.

Mr. CAMPBELL. I would call the attention of the mover of this motion to strike out that the congress of the United States passed a law similar to this two or three years ago, and it seems to me that we would hardly want to go down and ask for admission after refuting the limitation that they themselves put upon us.

Mr. GRANT. I would say that you will find this limitation on the amount of the levy in almost every constitution you pick up. There ought to be a limitation on the levy. It ought to be high enough to provide for all necessary revenue, but there still ought to be a limit.

Mr. TESCHEMACHER. I would like to ask Mr. Grant this question. I believe exactly what he says, but he assured me the other day that it took three mills to run this territory at present. Now the limit prescribed here is only one mill more. Now do you think it is not going to exceed that one mill, the cost of the territorial government, to run the state?

Mr. GRANT. I will state that the first year I think it will probably take six mills to pay the extra expenses that will be incurred, but after that I believe four would be plenty.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 6. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. CLARK. I move that Sec. 6 be amended by striking out in the third line and in the last part of the second line the words "except for the support of state educational institutions." I do this because I think that the state educational institutions should stand upon the same basis as any other state institution, and not because of any desire I have to hamper the university, or any other of our institutions, but the territory has always amply provided for the university, and undoubtedly always will, and I think it hardly just to say in the constitution that a state educational institution may have a tax in excess of the limit of four mills, and that other institutions shall be limited to the general tax. This is the object of my amendment. I think they should all stand on exactly the same footing as other institutions of a public nature. This provides that a special tax may be levied for educational institutions and not levied for other institutions.

Mr. CHAIRMAN. There seems to be no second to the motion. Any further amendments?

Mr. BAXTER. I move to amend by inserting after the word "educational" the words "and charitable."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. My only objection to these limitations has been the fact that we might be legislating in the dark in regard to this matter, and what we do cannot be undone. I think that it ought to be conservative enough not to block our way to properly carry on the state, and still if we make a large provision we are liable to open the door for extravagant legislation, and I believe we ought to leave it entirely alone.. Just to bring the matter before the attention of the convention, I move to strike out the word "four" and insert the word "six," and after the word "property" in the second line insert "until the taxable property shall amount to one hundred millions of dollars, and thereafter not to exceed four mills."

Mr. HAY. I am in favor of the amendment, for in changing from a territorial to a state form of government we are liable to have considerable expense as already indicated here. It is certainly not a heavy tax for a state on the amount of taxable property we have, and I think it is a very wise proposition. I don't think it will be assessed unless it is needed.

Mr. BAXTER. I hope that won't carry. It seems to me we are loaded down with taxation enough already. It seems to me if you except from the general operation of this measure charitable and state educational institutions for which special levies can be made, that four mills ought to be enough. I don't believe in opening the doors.

Mr. FOX. I don't believe in limiting this matter in such a way that we will cripple ourselves. I think that the state board will be men of judgment and not levy any more tax than is necessary. This year we have a three mill general tax, and a two mill and a half tax for the completion of this building, and if we can stand it in a territory if it is necessary we can stand it in a state. If we limit to six it will be all right.

Mr. SUTHERLAND. I am opposed to raising this from four to six. When our taxes became due it took up two sides of a weekly paper to describe the amount of property which was delinquent for taxes.

Mr. COFFEEN. I am opposed to removing the limit that will allow a heavier tax. The amount of money that would come into the treasury by taxing the output of coal mines would bring enough money into the treasury. I would vote to put this down to three instead of at four.

Mr. CHAIRMAN. All in favor of the amendment will say aye; contrary no. The noes have it; the motion is lost. Sec. 7 will now be read. Any amendments to Sec. 7.

Mr. POTTER. In order to give me a chance to vote on principle on this matter, I move to strike out that section. I am opposed to every one of these limitations. I simply say I don't believe we ought to put these limitations in the constitution. I am opposed to everything in this file and shall not vote for it.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 7. All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Sec. 8. Any amendments to Sec. 7?

Mr. BROWN. I don't like this section here as to the additional tax of two dollars for each person between the ages of twenty-one and fifty years inclusive shall be annually levied for county school purposes. Now I believe that a poll tax ought to be a territorial tax. We should provide that every citizen of the territory should pay a poll tax of two dollars for school purposes. It should be a territorial tax.

(Reading of Sec. 8.)

Mr. HAY. I move to strike this section out.

Mr. RINER. Under the section as it stands you provide that no city or town shall levy a tax to exceed six mills on the dollar, except for the payment of its public debt. Now I would like to ask Mr. Potter if the six mill tax is sufficient for the needs of the running expenses of the city of Cheyenne, exclusive of the city's indebtedness and interest? Would that be enough to pay the city officials, the necessary improvements upon the streets and the other necessary running expenses, exclusive of its indebtedness? I ask for information, as I don't know.

Mr. HAY. As a member of the committee I took pains as regards Cheyenne in this matter. And I satisfied myself that by the strictest economy, without any improvements on streets and alleys, the city could exist, but in case of any unforseen accident, anything that caused the expenditure of any unexpected amount of money, we would be unable to meet it, and our warrants would have to go unpaid until we could get the cash to meet them. We could get through on six mills, but that's all. The last year the levy was something over eight mills, and we have been pretty economical this year, as everybody knows. I made this motion to strike out simply to bring this matter up. There are two or three provisions which would make it very difficult for certain cities and counties to get along at all.

Mr. POTTER. We have a proposition giving to the legislature power to pass general laws for the incorporation of cities and towns, and it seems to me that we had better go to work and pass those general laws ourselves. That seems to be the sentiment of this convention, and I don't think we ought to be too modest about it. Let us do it ourselves, let somebody get up a general law for the incorporation of cities and towns, and

I believe the majority of this convention would consider it. If we are going to give the legislature power to pass general laws for the incorporation of cities and towns, we ought to leave this to them. They will know what will be required, we don't, they will know all of the circumstances and conditions, and from time to time can put restrictions upon them. We don't know anything about it, and ought to leave this to the legislature. There is not a charter in the territory today of an incorporated city or town that does not have a limitation upon its power to levy taxes as to the amount, and I think they have all been very moderate, they have not been extravagant in their limitations at all.

Mr. COFFEEN. I do not know that I can give much information, but I can announce this that I am opposed to having this increased to too great a limit. If the city fall into irresponsible hands they will be taxed to the utmost limit, and I should be in favor even of cutting this down. There has not been any argument to show that this is insufficient for a good and proper administration of a city government, and we have other cities in this state than this one in which we are now holding this convention. I believe this is sufficient.

Mr. ELLIOTT. I desire to say that I am not in this convention to do or attempt to do any locality or any portion of this territory any injustice. If the Cheyenne delegation, who know their own affairs better than we do, think they cannot run the city on six mills, I am in favor of giving them whatever limit they say is necessary.

Mr. BAXTER. I have lived in Cheyenne a long time and I think six mills ought to be enough. I hope this convention will stand by the six mills.

Mr. BURRITT. Mr. Chairman, I simply desire to call the attention of the convention to the fact that all of our cities in this erritory, as they exist at present, have not the same advantages. Some of them labor under great disadvantages, and I am of the opinion that we ought not to put a limit in this constitution that would answer the requirements of our own particular localities, and which would not enable some other city to meet its necessary running expenses. In our city, as Mr. Elliott, who is mayor, will bear me out, we have never found it necessary to levy more than six mills, and it was only in one year that we ran above four mills, and six is all I think we will ever have to levy, and yet I am satisfied that there is at least no other town in the territory that cannot exist beside Cheyenne on this six mill limit, but they could on an eight mill limit. And for that reason I shall support Mr. Riner's amendment.

Mr. RINER. I think it is impossible to decide the necessities of one city by those of another. Now there are many things in this city I have no doubt that other towns have not found necessary. I know that the authorities who have had the city's finances in charge the last year or two especially have been extremely careful about the expenditures. They have economized wherever necessary. You have no idea what it costs in this city to keep up our fire department. We know that by reason of the efficiency of our volunteer fire department that our fire losses have been comparatively small. We have a good many fires, but the fire losses have not been large. In the absence of a fire department many thousands of dollars worth of property would have been destroyed, and you would be surprised to see the expenditures for the purpose of sustaining that fire department, and I say it is necessary. Now in many cities they don't have that at all. There are many other instances, but I refer to that as one, and there are many others that many cities may not find necessary at all, and that is why I say you cannot decide this in reference to localities. I don't think this ought to be decided with reference to Cheyenne.

Mr. SMITH. This question of framing a constitution means simply this. That it is framed for the purpose of limitation. The charge that these limitations put in here is legislation is a mistaken idea and misleading. The purpose of a constitution is to place restrictions upon these things, because wherever that is not done it is left open to the legislature. I believe we can do this, and the proper way would be to classify the cities. In our city we have been grading the streets, and we have got along on a three mill tax, and with the saloon licenses, if they continued to go to a city like Rawlins, Evanston or Green River, and other small towns, two mills would be enough.

Mr. CAMPBELL. Suppose the legislature should come in, as they have tried, and pass a law that all saloon licenses should be paid into the county treasury, then where would your cities be?

Mr. SMITH. I said if you leave them in it would be sufficient.

Mr. CHAIRMAN. The question is on the amedment to strike out six and insert eight. All in favor of the motion will say aye; contrary no. The ayes have it; it is so ordered.

Mr. BROWN. I have an amendment to offer. Strike out all of the last sentence of Sec. 7, and insert as the last part of Sec. 6 the following: "Every person in the state over twenty-one years of age, and not more than fifty years of age, shall be required to pay to the state a poll tax of two dollars, for the support of the common schools thereof."

Mr. FOX. I am in favor of his section as it stands, because I think it belongs to the county.

Mr. POTTER. There might be some question as to whether it should go to the district schools, and it seems to me that the words county school purposes are better.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Albany. All in favor of the motion will say aye; contrary no. The noes have it; the amendment is lost. Sec. 9.

Mr. HAY. In order to bring this up I move to strike out "three' and insert "five."

Mr. CLARK. That is just the motion I was going to make. Up in Uinta county we are so rich in children and poor in property that three mills would close the schools half the year in Evanston and Almy, would not be sufficient to hold school more than half the year.

Mr. BROWN. I believe if the people want to give their money away for the support of their school district they have a right to do it.

Mr. TESCHEMACHER. In my district nine-tenths of the tax paid for schools is paid by four corporations, these four corporations are represented by another man and myself, and we haven't any children to be sent to school, the people who get the benefit of the school district pay one-tenth, and this one-tenth makes the other nine-tenths pay whatever they please.

Mr. POTTER. We are going to authorize the state to maintain a system of common schools, if there is anything we believe in spending money for it is to keep up the schools, and we ought not to have a limitation on that. We ought to leave that to be acted upon by the legislature.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 9. All in favor of the motion will say aye; contrary no. The ayes have it; the motion is ordered stricken out.

(Reading of Sec. 10.)

Mr. FOX. I move to strike that out. My reason for making that motion is that in the educational file there is a provision that all moneys shall be held as perpetual funds, never loaned out, but to be invested in some bonds.

Mr. COFFEEN. I believe it is time to say a word in defence of the committee who formulated this file. They have canvassed almost all the points that have been brought up so far. The purpose of this file is to reach one certain point, correct one certain abuse, more than anything else. It is that whatever profit is made on public funds shall accrue to the fund on which it is made. We have arranged that a profit may be made, and whatever is made, instead of being used as a corruption fund to help elect the treasurer, shall go to the fund from which it is derived. There is not a dollar to be made on state funds to be used for private gain or purpose. This is intended to reach that case, and I ask you therefore to consider very carefully this important question. You cannot give it the consideration the committee has, it would require more time than we have at our disposal. We must rely upon our committee to do some things. All these things have been inserted here with a purpose. And I think you will see there is a safeguard in every provision.

Mr. HAY. The gentleman from Sheridan thinks this is a very important question, and I agree with him in this particular case, particularly as to the object that is sought to be accomplished by the section now under discussion, but the objection I have had to it was that I feared very much that it will relieve the treasurer from his bond. The law says they shall deposit their money in a bank, and having put it there as required by law, if the bank should fail I think they would be relieved of their bounds. That seems to me to be common sense. I think Sec. 11 covers this as much as we can cover it.

Mr. POTTER. I think I have givent this matter some consideration. I have looked at it very carefully since this file was printed, and I think part of it is all right. I believe in prohibiting the treasurer from reaping a profit on public funds, that part of it is all right. But is says here it shall be deposited in a national bank, or in a bank incorporated under the laws of this state. Now in some places there will be no such bank, ad they would have to send the money out of the county. Then you say they shall furnish security. I think you would find some trouble in getting a bank to give a bond, and I have some doubt about the authority of a national bank to give a bond or other security on a deposit of money with them. I am exceedingly doubtful about it. Of course while the bank could not sign it, the directors could sign it. But that would not be the bond of the bank. But the greatest question with me is with reference to the liability of the treasurer. We all know under our present law the treasurer is liable for the money, although the bank should fail, and his bond is liable. But under this provision you take away from the state that recourse, because you say to the treasurer, you shall not keep your money in your safe, but you shall deposit it in a bank, and if he deposits that money in a bank the treasurer is not liable on his bond, and you must then go upon the other security that is given for the money. You might as well take no security from the treasurer, because he has no control whatever of the money, except as far as paying it out on warrants is concerned, he is simply a machine, having no responsibility, to the state or county whatever. It strikes me that would be the effect of this section. This is an exceedingly important question. And I would ask the committee to consider it very carefully.

Mr. FOX. It is the absurdity of the proposition that strikes me. Would it not be very absurd to require a national bank to give you a bond when you went to make a deposit? It don't look reasonable on the face of it. That when you want to deposit a thousand dollars they must furnish you a bond. A state or a county treasurer is in the same category. Why should they be required to give them a bond any more than a private individual?

Mr. COFFEEN. I want to dicuss this question a moment. In the first place you practically lock it up so he cannot use it for anything except according to law, and you have taken that much out of circulation, if you strike this out. So much for that. In the second place this says whenever practical it shall be deposited in a national bank or a bank incorporated under the laws of this state. Those who have charge of this fund are to be the judge as to the practicability of depositing it in any organized bank. Then we are told something about security. That was discussed by the committee also. A national bank cannot give security as such, but the individuals composing that bank can readily give a bond, necessary for every purpose in the case. As to the liability, if the security is good, and they will be as good judges of the character and quality of the security as we are, there can be no loss to the county, or the town, or the state, for it is secured by that in addition to the possible liability of the treasurer. I believe it is better to have it stand as it is, so the money will not be locked up, but get into circulation where it is needed, and help the people along.

Mr. HAY. Speaking as a banker, I am in favor of this proposition. I would like to see some regulation that would take the deposits out of politics as it were, out of the ring that it is in. The treasurer gets his political influence because he promises his deposits somewhere, in a certain place, and I don't believe it will be any more safe in that way, because he often deposits it in a private bank and has that private banker as a principal bondsman. But this does not strike me as just right, and a little dangerous in regard to the treasurer's bond, but if the lawyers of the convention are satisfied that it does not release that security, I believe the other difficulties can be got rid of.

Mr. RINER. I would like to ask Mr. Coffeen a question. What is the object of requiring a bank to give the treasurer indemnity, when the state takes a bond from the treasurer? What interest can the state have in the personal security of the treasurer? The treasurer may require as a condition of making the deposit that he be given a bond indemnifying him personally against loss, but that is a personal matter with him. If he gives the state a bond it seems to me that section 11 covers the question. If the purpose is to require two bonds to the state then I don't believe the language is sufficient.

Mr. HAY. That is the intention, so that in case there should be any loss by reason of his having deposited as this requires in the hands of a national or state bank, that after having done that, his bond is released, and the state would have some security.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 10. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Any further amendments to Sec. 10?

Mr. BROWN. I would suggest this amendment to Sec. 10. I think if this section as it stands does not relieve the treasurer of his bond that it ought to. When you compel a man who gives a bond, and who undertakes to be responsible for the care of money, when you compel him to deposit in a bank, you are taking away from him the care of the money which he is giving a bond to preserve, and it would be an outrage to compel him to be responsible under the circumstances. Now I think that whole matter can be reached. And I was about to suggest an amendment to the section as follows: "May be deposited in a bank, or such other place as the legislature may by law prescribe." Leave the matter in the hands of the legislature to regulate as best they can.

Mr. COFFEEN. The amendment before us is to leave to the legislature to attend to, and do and regulate one of the most important things we have attempted to do. In my judgment if you will study these words here, and notice the evils to be corrected, to secure to the state or county the profits that may accrue, to stop the corruption that may come from allowing the treasurer the benefit of the use of the public moneys. I believe you will hesitate a moment before you do this. The state ought to have security. That will be given under this. And the money will be safe even if the treasurer should be relieved of his bond. He is only relieved to the extent of the deposit in any event. And by this method we will keep the money in circulation, which is a very good and proper thing, one much required and needed in these times of scarcity of currency in this territory.

Mr. MORGAN. I want to offer a substitute for this section. "All interest and other profit arising or accruing from any state, county, city, town or school district fund, shall accrue to the fund from which it is derived, and the diversion of any part thereof by any one shall be deemed a felony, and shall be punished as provided by law."

Mr. HAY. I want to say in regard to that that the treasurer will lock the money in the vault, he is not going to risk the money out anywhere for the sake of having it earn interest for the state. He will lock it up in the vault, and thereby take it out of circulation.

Mr. ELLIOTT. I will say first that this section had more attention paid to it by the committee than all the rest of it put together. Every question that has been suggested here was discussed very carefully in the committee. We found there existed what we considered a great public evil; we found that the treasurer of the state and different counties and school districts had been using the public funds for their own benefit, and we wanted in some way to provide against that, and we decided upon this section as the best possible section that could be drawn for this purpose. The idea of putting the words "whenever practicable" was that in some counties perhaps there might be no national banks, or banks organized under the laws of this state, and thus it would be impossible for the money to be deposited there. And it would have to be sent out of the county, which would be improper, to have it sent to another county for deposit, (but the main idea is that when the money is used at all, if it is taken out of the hands of the treasurer, that whatever interest may accrue shall accrue to the benefit of the fund to which it belonged. Now the proposition submitted by Mr. Morgan will accomplish nothing whatever. No treasurer is going to risk his bond by depositing money in any bank unless he is going to get something for it. They do it now because they themselves get the benefit from it, but when you say that the interest that may be derived from it shall accrue to the fund to which it belongs, then you ask them to take all the risk for the benefit of the state, and no man is going to run that risk for the benefit of the state.

Mr. MORGAN. I withdraw my substitute.

Mr. CHAIRMAN. Any further amendments? Sec. 11.

Mr. BAXTER. I move to insert after the word "money" in the second line, the words "or other public funds."

Mr. CHAIRMAN. It is moved to amend by inserting after the word "money" the words "or other public funds." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended. Section 12.

Mr. POTTER. In order to avoid any misunderstanding I move to insert the words "of state" after the word "secretary."

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question. All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended. Sec. 13.

Mr. BAXTER. I move to amend by adding to the last line the words "and such other duties as may be prescribed by law."

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended.

Mr. BROWN. I would change these sections. I would strike out all of Sec. 14 after the words "prescribed by law," and make the latter part of the section a part of Sec. 13. I don't believe the machine shops should be assessed along with the rails and rolling stock. I believe every county should assess the property in that county. I would like to see that section separated.

Mr. HAY. There is one thing about this I don't like. It says that it shall be distributed "in proportion to the number of miles of railway laid in such counties, cities, towns, etc." If that means that a city which has a large amount of railroad property not connected with he road bed shall go in at the mileage assessments, I want that changed before it is passed. It might have four or five hundred thousand dollars worth of property and only two miles of railroad in that town, and if under this proposition it would only get the benefit of those two miles of road then I want this changed.

Mr. BROWN. I desire to call attention to these two sections, as they now are. They are inconsistent with each other. You say in one section that the board shall assess "all property" and in the other "all property except as herein provided shall be assessed in each county, city, town, in which it is situated, in the manner prescribed by law." Now there is another thing I want to call attention to in Sec. 14. The language is: "The franchise, roadway, road bed, rails, and rolling stock, and all other property used in the operation of all railroads and other common carriers operated in the state." Now this carries with it all the machine shops, all the round houses, or rolling mills, and everything else that the company owns of that kind, because it is all used by that company in operating their road. I don't think you want the value of these shops at Cheyenne distributed all along the line of this road among the various counties. I don't think we want it just that way.

Mr. ELLIOTT. I move this be referred back to the committee.

Mr. CHAIRMAN. It is moved and seconded that Secs. 14 and 13 be referred back to the committee. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The section is so referred.

Sec. 18. Any amendments?

Mr. RINER. I would like to ask the committee if it proposes to tax Masonic property, and property that belongs to the Knights of Pythias and other organizations of that kind.

Mr. ELLIOTT. It does.

Mr. RINER. Then I want to make an amendment. I don't believe they ought to be taxed, and in order to bring the matter up, I will offer this amendment: To strike out the word "of" after the word "institution" in the fifth line and strike out the words "public charity" and insert "charitable."

Mr. FOX. I would like to ask a question. It says "places for actual religious worship." Now most of those places have parsonages connected with them. I would like to know whether they would be exempted under this?

Mr. COFFEEN. In order to cover this matter of church parsonages, I move to insert after the word "worship" the words "church parsonages."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The question is now on the amendment to strike out the words "of" and "public charity" and insert the word "charitable."

Mr. COFFEEN. Just a word here. I shall oppose this amendment unless we shall include such societies as the Knights of Labor under this provision. I see no reason why the Knights of Labor should not have their rooms exempt, as well as the Masons, or the Odd Fellows, or both. If you will insert the Knights of Labor I am perfectly willing that this should go up.

Mr. HAY. I am opposed to this amendment. I am heartily in sympathy and belong to some of the organizations mentioned, but I believe this opens the door for a great deal of abuse. The Masonic order may have a temple, and rent the rooms for a large amount of money, which they usually do, and the tax on this class of property is usually very light any way, and if we put this sort of thing in here it opens the door for a great deal of abuse.

Mr. RINER. I don't think Mr. Hay understands this section. The purpose I want to reach is that lodge property should be exempted from taxation. If they have a building out of which they are deriving a revenue then that property should be taxed just the same as any other property. What I mean is that property used purely for the purposes of the institution should be exempted from taxation. This gives the legislature the power to exempt it, and that is what I want.

Mr. BURRITT. I would have this stop at the word "taxation" in the third line, leaving it to the legislature as to exempting these other institutions from taxation.

Mr. BROWN. I am opposed to this amendment, and I believe this entire thing should stop at "taxation." It is very improper it seems to me to insert in a constitution a proposition exempting agricultural fairs and other things of that kind from taxation. If I happen to hold a thousand or fifteen hundred dollars worth of stock in a fair association organized under the laws of the territory, although it may not be paying me any profit now, I should certainly not have gone into it if I had not expected it to do so at some time. I don't ask any charity of Wyoming, and if I belong to a Masonic society and have a part ownership by way of stock, I don't ask any charity from the territory of Wyoming, and I am willing to pay for it, and when I get so poor I can't pay I will sell, and if I have got stock in a religious institution I am willing to pay for that, and I am opposed to exempting agricultural fairs, Masonic and Knights of Labor property, and houses of religious worship and everything else. I am opposed to loading down this constitution with a lot of provisions for exemptions, saying that the legislature may do this, when if you leave them out, the legislature may do it anyway. Now there are certain things that the United States law requires this state to exempt. The property of the United Staes for instance, and the state cannot tax itself. I move to strike out all after the word "taxation" in the third line.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. RINER. I move to strike out "places of burial not used or held for private or corporate profit" and insert "public cemeteries."

Mr. BURRITT. I offer an amendment to the amendment. Add after the words "public cemeteries" the words "and such other property as the legislature may by general law provide."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 16.)

Mr. BURRITT. To give this convention a chance to be consistent, I move to strike out in the second line the words "to which only it shall be applied."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The noes have it; the motion is lost. Sec. 17.

Mr. HAY. I move to strike out "legislative assembly" and insert "legislature."

Mr. HARVEY. I move to strike out the whole section, to find out what it means.

Mr. GRANT. It means just what it says.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. It seems to me there is no provision whatever in this revenue bill, and it is one which we ought to have. In the first place there seems to be some question about any provision being made for the taxation of personal property, and I think we ought to have a general proviso with reference to uniformity of taxation, and simply for the purpose of bringing this matter up, I move an amendment as follows: "All taxes shall be uniform upon the same class of subjects, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just and fair taxation upon all property, real and personal." I don't think that will conflict with the other provisions, and I believe something of that kind is necessary. This might be inserted as the first part of Sec. 14, I think.

Mr. COFFEEN. I would like to suggest if you will say in the section all property "real and personal," I think it will cover the question raised.

Mr. POTTER. I want to have a provision that taxation shall be uniform upon the same class of subjects.

Mr. COFFEEN. I think this reads "all taxes shall be uniform on the same class of subjects," now if that read on the same class of property, I do not think I should object to it so much. But by using the word subjects, one subject might be in more than one kind of business, and therefore you bring it in conflict with what has already been passed here by a pretty strong majority. I trust the motion will not prevail. I think it can be fully covered by the words "real and personal."

Mr. CHAIRMAN. The question is on the amendment. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. POTTER. There are one or two members here who consider every amendment I offer as some dastardly scheme. Mr. Coffeen always thinks so. And I don't want him to deny it, for he does, but this is a very necessary thing in my judgment, you don't find a single constitution without it, and in spite of my dangerous character, I think I have got proper judgment in this matter.

Mr. BROWN. I move the committee now rise and report back this bill with the amendment suggested by Mr. Potter. And that the two sections be referred back to this committee.

Mr. BURRITT. I desire to say a word upon that matter. This limitation of public indebtedness file which comes up with this, and is really on the same subject, had better go back to the committee also, for revision, as there are several provisions that will have to be amended so the two will not conflict, I therefore move it be referred back.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so referred.

Mr. ELLIOTT. I move the committee now rise and report.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that this committee now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise and report.

(Report of committee of the whole.)

Mr. ELLIOTT. I move the report of the committee be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee be adopted as read. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. GRANT. I move we now take a recess until 7:30 this evening.

Mr. PRESIDENT. It is moved and seconded that we take a recess until 7:30 this evening. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now take a recess.

Evening Session.

Wednesday evening, Sept. 25.

Mr. PRESIDENT. The convention will please come to order.

Mr. TESCHEMACHER. I move we go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. It is moved and seconded that we now go into committee of the whole for consideration of the general file. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Johnston take the chair?

Mr. CHAIRMAN. Gentlemen, we have before us for consideration a portion of File 26, on limitation of public indebtedness. Sec. 1 will be read. Are there any objections to Sec. 1? If not Sec. 2 will be read.

Mr. BROWN. I move to strike out Sec. 2.

Mr. GRANT. This is to prevent the legislature from erecting any public building or contracting any other debt without first submitting it to a vote of the people.

Mr. BROWN. It seems to me it goes a great deal further.

Mr. RINER. I move to amend Sec. 2 by inserting after the word "debt" in the first line "in excess of the taxes for the current year."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment offered by Mr. Riner will say aye; contrary no. The ayes have it; the section is so amended.

Mr. HAY. It seems to me under this section, if the secretary of state wants to buy fifty cents worth of stationary, and goes down town and buys it, and takes the bill to the auditor, that the territory is going into debt. Under this you could not buy anything.

Mr. BURRITT. I would call Mr. Hay's attention to the fact that Mr. Riner's amendment covers that point.

(Reading of Sec. 3.)

Mr. HAY. That provision I want to explain was to take care of cities and counties that have an indebtedness in excess of two per centum of its last assessed valuation, of which Laramie county and the city of Cheyenne furnish an example.

Mr. GRANT. I want to say in regard to this provision, that the limitation by congress is four per centum on the assessed valuation. Any city that has a floating indebtedness when this constitution goes into effect, that floating indebtedness can be bonded up to four per cent, which is the present limit. But after that bonded indebtedness is paid off they cannot exceed two per cent of the assessed valuation.

Mr. CHAIRMAN. Are there any amendments to Sec. 3? If not Sec. 4 will be read.

Mr. GRANT. That section is subject to the same amendment as Mr. Riner made before.

Mr. RINER. I move to insert after the word "debt" in the first line the words "in excess of the taxes for the current year."

Mr. CHAIRMAN. It is moved and seconded that Sec. 4 be amended so as to read "no debt in excess of the taxes for the current year." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any other alterations or amendments? If not Sec. 5 will be read.

(Reading of Sec. 5.)

Any amendments or alterations to Sec. 5?

Mr. JEFFREY. I am in favor of the general provisions of this section, but there is one question that I want to get the sense of this convention upon. That is, whether it is well to limit the indebtedness that may be incurred for building water works or sewers, to four per cent? If a city or town needs water works or sewers, and has not a sufficient amount of money to build a proper system, this four per cent indebtedness might be of no more benefit than none at all, and the only thing that troubles me is whether this section would not defeat that object and prevent the citizens of some city or town from providing itself with a proper system of water works, which is a very necessary thing. I offer the following amendment: After the word "therein" strike out all that follows it in the third line and insert "debts contracted for the purpose of building water works and sewerage are exempt from the provisions of this section."

Mr. RINER. I am opposed to the proposed amendment. The sewerage systems of this city and most all others are largely laid by special assessment upon the street fronts, and there is nothing in this that will prevent a city from taking that action. I think the four per cent limit is plenty high enough for general purposes. There is nothing here that prevents a special assessment by a municipality for the purpose of laying a sewer pipe or a water pipe. No matter how high you put this limit they will levy a special tax for that purpose, and for that reason I believe in cutting this down.

Mr. JEFFREY. I would like to ask Mr. Riner just one question that will settle this matter so far as I am concerned. Don't the legislature have to authorize the other cities and towns to make this special assessment and levy?

Mr. BURRITT. I second the motion of Mr. Jeffrey, but am opposed to so much of that motion as refers to sewerage. The matter of sewerage can be got around, but that rule cannot be made to apply to a system of water works. Suppose a city has to go twenty miles to get a supply af water, how are you going to assess the property then? Take the city of Buffalo, the contract for its water supply will run out in three years, and at the end of that time, they may have to go back into the at the end of that time they may have to go back into the mountains to secure a supply somewhere, and if our city should increase in its assessable property at double the ratio it has for the last four years, we would not be able to raise enough money on a four per cent indebtedness to get the water out of the mountains and past Fort McKinney. In the matter of water works I don't think that there should be any limit, but that should be left to the people, When they want water they want it bad, and the tax payers should be able to say whether they are willing to contract a debt to build its water works. Estimates made of bringing water to the city of Buffalo from a suitable place in the mountains fixed the cost at about forty thousand dollars. Under this we wouldn't be able to get that water half way.

Mr. CHAIRMAN. Gentlemen, the question is on Mr. Jeffrey's amendment to strike out all after "therein" in the third line, and adding "debts contracted for the purpose of building water works and sewerage are exempt from the operation of this section." All in favor of this amendment will say aye; contrary no. The noes have it; the motion is lost.

Any other alterations or amendments?

Mr. BURRITT. I move to amend by striking out the words "water works" and adding "debts contracted for supplying water to any such city or town are exempted from the operation of this section."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment of Mr. Burritt will say aye; contrary no. The ayes have it; the motion prevails.

Are there any further amendments or alterations to Section 5?

The clerk will read Sec. 6.

Mr. BURRITT. I would like to know how the state could become the subscriber to the capital stock of corporations by a two-thirds vote of the people.

Mr. BROWN. I move to strike out the words "nor shall" in the fifth line and insert after the word "state" the words "shall not," so this latter clause will be a new sentence altogether.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The secretary will read Sec. 8. Any alterations or amendments to Sec. 8? The chair hears none. The secretary will read Sec. 9. Any amendments to Sec. 9?

The chair hears none.

Mr. FOX. I move when this committee arise they report back this file with the recommendation that it do pass as amended.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing on the file for our consideration is Sec. 13 of the revenue bill.

(Reading of Sec. 13.)

Mr. FOX. Do I understand that the operation of this assessment of rairoad taxes shall not apply to school districts? It has always been the custom to apportion the railroad mileage to the school districts which possessed the same. In our county the school district at Sherman had so many miles of railroad it got taxes from; the school district down at Tie Siding the same; school district No. 1 had thirteen miles and a half of railroad tax which was added to the school district assessment which I think is right. I think it is proper that the school districts should have it, shops and all.

Mr. ELLIOTT. As I understand it, the shops and yards are now added in with the general mileage and divided among the counties. The object was that the school district should have the benefit not only of the mileage but the shops as well.

Mr. RINER. Here you take away and destroy everything that your state board of equilization can do. You say in cities and towns and school districts they shall not assess, you say that where a line of railroad is in a school district that the state board of equilization shall have nothing to do with it. That we have got to have a separate assessment in each school district. After the territorial board gets through with the mileage that the county assessors take it up and assess it again. In this school district they will assess it at nine thousand dollars a mile, another district ten thousand dollars a mile, and another the sum of fifteen thousand dollars a mile, and so it goes on indefinitely, and there is no equilization about it. It ought to be assessed equally for school purposes in every school district. What a mile of railroad is worth in one place it is worth in another, and that is what the board is for, that it may be equilized all over the territory.

Mr. GRANT. Take the school district of Cheyenne. There might be only seven or eight miles of railroad track in this district, and you could not get the benefit of these shops, and the depot buildings, and everything of that kind.

Mr. RINER. I think that the shop property should be assessed by the state board. The shops in Albany county should be assessed and pay taxes in that county upon the same basis as they pay taxes in this county.

Mr. HAY. There is one point that has bothered me a good deal. For instance, the railroad company has four hundred thousand dollars worth of property in this county, one hundred thousand in Albany and one hundred thousand in Carbon county, and so on. This makes six hundred thousand in these three counties. That six hundred thousand is added to the road bed, and divided in each county on their mileage basis, so that in a county where there is four hundred thousand dollars worth of property it gets nothing for its shops at all, except its proportionate share according to the mileage, the same as one having only one hundred thousand dollars worth of shops, and it is not just.

Mr. BROWN. Take out the shops, depots and rolling mills.

Mr. HAY. How would it do to leave out everything not on the right of way?

Mr. GRANT. I would call attention to the fact that it has been decided by the courts that where there are thirty or forty acres of ground about, that it is a part of the right of way, depot grounds are a part of the right of way.

Mr. BROWN. The only way is to except a particular class of property, the machine shops, rolling mills and depots, but the rolling stock, I think, should apply to the school districts.

Mr. RINER. I would like to take that section and amend it as suggested by Judge Brown.

Mr. CHAIRMAN. The secretary will read the section as amended.

Mr. BURRITT. I move that it be adopted in lieu of Sec. 13, and I would also suggest that there be added to it the words "such other duties as may be prescribed by law," which was unintentionally left out.

Mr. CHAIRMAN. All in favor of the adoption of Sec. 13 will say aye; contrary no. The ayes have it; the section as amended is adopted.

Sec. 14. Any addition to it.

Mr. FOX. I move the adoption of Sec. 14.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the adoption of Sec. 14 will say aye; contrary no. The ayes have it; the section is adopted.

Mr. HAY. I move when this committee arise it report back the substitute for Files 7, 26, 27, 41, 54, 55, with the recommendation that it be adopted as one of the articles of the constitution, as amended.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that when this committee arise they report back the substitute for Files 7, 26, 27, 41, 54 and 55, with the recommendation that it be adopted as a part of the constitution. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. It seems to some of us, in order to expedite business tonight, there was one file perhaps that we ought to take up for discussion, and that is the preamble and bill of rights, and I now move we take that file up next.

Mr. CHAIRMAN. Gentleman, it is moved and seconded that the bill of rights be now taken up. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The secretary will read the first section.

Mr. TESCHEMACHER. I move to strike out the words "the state." It seems to me we are the people of Wyoming when we ordain this, and we establish the constitution, that makes us a state.

Mr. BAXTER. I don't see any propriety in using it, as long as we say of Wyoming.

Mr. CHAIRMAN. It is moved and seconded that the words "the state" in the first line be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Any further amendments?

Mr. RINER. In the last line I move to strike out "children" and insert "posterity."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments?

(Reading of Secs. 1, 2, 3 and 4.)

Mr. HARVEY. I move to strike out all after the word "debt" in the first line. It seems to me entirely misleading.

Mr. POTTER. I think the last clause ought to be connected with the question of debt.

Mr. CLARK. The only part of this I don't like is the presumption of fraud. Who is to raise that presumption, or what is to raise that?

Mr. CHAIRMAN. The question is on striking out all after the word "debt." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so ordered.

Mr. TESCHEMACHER. I move to strike out in Sec. 6 in line two the clause "or in any manner destroyed."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BROWN. In Sec. 10, line two, I move to strike out "or" and insert "and."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BROWN. In the fourth line I move to strike out "desired" and insert "necessary."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. I wish to call attention to the last line of Sec. 14. "Nor shall any cruel or unusual punishment be inflicted." To some people hanging might be considered an unusual form of punishment. This might prevent any such punishment for crime. I therefore move to strike it out.

Mr. BAXTER. I think that the proper construction of that is that unusual means something unheard of, some punishment that the law does not contemplate. If the legislature should provide for punishment by electricity or something else, I have no idea there would be any objection to it under this.

Mr. CHAIRMAN. The question is on the motion to strike out "unusual" in the third line of Sec. 14. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. RINER. I wish to call the attention of the committee to the word "unless" in the first line of this section. It should be "except."

Mr. CHAIRMAN. If there is no objection it will be so amended.

Mr. TESCHEMACHER. What is "vindictive justice."

Mr. HOYT. That was a humanitarian section. It does not mean anything definite. But was an indication toward humane methods.

Mr. HARVEY. I move to strike out "vindictive justice." The other seems to cover it.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of striking out "vindictive justice" will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. In the fourth line of Sec. 18. I don't believe he is a competent juror, or ought to be. I don't see how you are to bind him to do his duty in any way. I think that ought to be a disqualification. I move to strike it out.

Mr. BAXTER. I am opposed to striking that out. There are undoubtedly men on this floor who have some acquaintances on whose integrity and truth they rely the same as a man who does believe in the existence of a God. I have no special sympathy with that idea, but I say that you do find men, and good men too, who don't know whether they believe in a God or not, but I say if you take those men and put them on a jury they are as liable to tell the truth as any other man, and I don't think it ought to be stricken out. If a man is competent to serve in every other way I fail to see why he should not be allowed to. And I don't believe his belief in God will help it a bit.

Mr. HOYT. I believe in God, and I believe the vast majority of people believe in the Supreme Being, but if a man shall find it impossible to accept that belief, he is not therefore necessarily disqualified. I do not believe he will be any more apt to tell the truth on account of any religion. Whether he believes or not, he may be just as truthful, just as moral in all the relations of life, as another man who is deemed the best in the church. Let us accept a man for what we know him to be. Accept his statement as truth whether he believes or not. This is the broadest declaration ever put before any people. I hope to be proud of our constitution in every particular, but especially proud of it on account of its breadth and freedom from all prejudice.

Mr. HAY. It is simply impossible for all men to say that they are able to accept the doctrine of an over-ruling Providence. I don't think that it has anything to do with their truthfulness at all. And truthfulness is what is wanted in a court.

Mr. RINER. In my judgment the whole section is rather peculiarly worded. My idea is not that a man who does not believe in the existence of God would be less competent to testify as a witness, but if he is sitting as a juror in a capital case, what is the effect upon it? Should he be competent? That is where the danger comes in, in that case, and I don't believe he ought to be allowed to sit in such a case. I see by merely striking that out would not reach the question desired, but I should criticise the section as a whole with that in.

Mr. BAXTER. While he proposes to strike out this proposition here as to serving as a juror, he proposes to allow the same person who shall not be competent to serve as a juror, to fill any position of trust or profit in the state. He may be elected governor, he may pass upon the rights, nay, even the lives, of other men, in our courts, he is not disqualified, but he is disqualified from testifying, from giving his evidence, on a difference between two of his neighbors, or from sitting as a juror in passing on that difference. It seems to me he is inconsistent. He should not be eligible to anything within the gift of the people. Does he mean to say that. I believe we should take the man for what we know him to be without any reference to what he professes to believe.

Mr. HAY. I move to amend Mr. Riner's motion by striking out from "juror" down to "because."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BAXTER. I move to strike out the last clause of Sec. 28. "On property it shall be advalorem."

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that the last clause of Sec. 28 be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HAY. I notice in the Washington constitution a provision as follows: "The provisions of this constitution are mandatory, unless by express words they are declared otherwise." I move to insert a similar provision here as Sec. 38.

Mr. HARVEY. Are not all these mandatory? Does not the use of the word "shall" make them mandatory?

Mr. HAY. As it seems unnecessary, I withdraw my motion.

Mr. BURRITT. I move when this committee rise they report back this file with the recommendation that it do pass.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BURRITT. I move this committee do now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise and report.

(Report of committee of the whole.)

Mr. PRESIDENT. What is your pleasure, gentlemen?

Mr. BURRITT. I move the report of the committee of the whole as read be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole as read be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report stands adopted.

Mr. TESCHEMACHER. As the engrossing committee have a great deal to do, and as the file on preamble and bill of rights is but slightly amended I would like to ask if it may not be considered as the engrossed file as printed.

Mr. PRESIDENT. It is moved and seconded that the printed file, preamble and bill of rights, be considered as the engrossed copy. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The file will be so considered.

Mr. CHAPLIN. I move we take a recess until 9 o'clock tomorrow morning.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of taking a recess until 9 o'clock tomorrow morning will say aye; contrary no. The ayes have it; the motion prevails.

TWENTY-SECOND DAY.

Morning Session.

Thursday, Sept. 26, 1889.

Convention assembled at 9 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Mr. PRESIDENT. The secretary will call the roll.

(Roll call.)

(Reading of the journal.)

Mr. PRESIDENT. Are there any corrections to be made to the journal? The chair hears none, and it will stand approved as read, Mr. Secretary.

Presentation of petitions, propositions and memorials. Are there any to be presented this morning? Are there any reports of committees? In cases where propositions have been referred to committees, and the originals not returned again, the secretary would ask that they be returned so that they can be all filed away, and a record kept of them, and if the gentlemen of the convention who have any of these propositions in their possession will return them within the next day or two, it will help us out.

Final reading of bills. File No. 88, as reported by your committee, has been properly engrossed, or rather the printed copy was made the engrossed copy, and is now before you for final reading and passage. Is there any desire to amend? Is there any section that any member desires to amend?

Mr. HAY. I have an additional clause that I want to suggest. The thing I want to add is this: "The provisions of this this clause are mandatory unless by express words they are qualified or declared to be otherwise." It has been suggested that it would be a good idea to have that incorporated, and therefore I mention it.

Mr. HOYT. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Hoyt.

Mr. HOYT. As a member of the committee making the report I simply desire to say that I have carefully looked into this amendment offered by Mr. Hay, and it seems to me a proper thing to be incorporated into the constitution as there might possibly be conflicts between some portions of the constitution, and this would possibly and I think probably, relieve the difficulty arising in any such case. I can see no harm in it, and good might possibly come of it.

Mr. SMITH. I move the proposition be laid on the table, and come up before the convention at the same time as the article referred to.

Mr. PRESIDENT. It is moved that the proposition offered by Mr. Hay be laid on the table until the constitution comes up for final reading, and that it be then considered with the article referred to.

Mr. COFFEEN. I rise to a point of order. I understand this is an amendment to the bill of rights. The point raised is simply this: If this motion to table this amendment should prevail, it would carry the bill of rights along with it. I don't think we can table an amendment unless we table the whole subject matter with it.

Mr. PRESIDENT. Has the gentleman any authority for the point raised? It is the understanding of the chair that the motion would table the entire matter in the proposition itself, but not necessarily table the whole bill or file which it is proposed to amend.

Mr. COFFEEN. I have always seen the ruling in legislatures and other bodies where any motion is made to table any proposition that the whole subject matter to which it refers is tabled with it. I do not know as I can refer to any special authority, but I have always seen that ruling practiced in that way.

Mr. PRESIDENT. I perhaps misunderstood Mr. Hay, but I understood his motion was to present this as an amendment to the bill now under consideration. It is now moved by Mr. Smith that that matter be laid on the table, and be considered when the article itself comes up for final passage by the convention.

Mr. HOYT. It was understood by the gentleman offering the proposition that the article was now before the convention for final passage, and that amendments had been called for.

Mr. PRESIDENT. It was called up for final reading and amendments asked for, and the chair understood that this was offered as an amendment. Was it the intention of the gentleman from Laramie, Mr. Hay, to so offer this?

Mr. HAY. That is exactly what I intended to do.

Mr. SMITH. I will withdraw my motion. I thought you were calling for propositions and did not understand that the file was before the convention at this time. If the file is now pending it may as well be disposed of at this time as well as any other time.

Mr. PRESIDENT. The question is on the amendment offered by Mr. Hay. The chair would state that it seems to me that it would be a very dangerous matter to incorporate.

Mr. HAY. I want to say that I do not offer that again today on my own account, but at the suggestion of the committee. After it was voted down last night I should not have brought it up for discussion again but that the committee asked me to do it. I don't know whether it would reach the point desired or whether it is a good thing or not. I simply offer it because I was asked to.

Mr. ELLIOTT. I favor in every way any attempt at healing any possible defects in the constitution, but I think that the amendment offered would not only not accomplish that, but that it would be a rather dagerous provision to insert. The constitution should speak for itself, and if we cannot frame such a constitution, a constitution that declares in plain language what it means we should not try to frame any.

Mr. PRESIDENT. The thought that occurred to me was that there are many negative propositions in the constitution, in fact a large portion of the constitution is made up of negative propositions, and if you say they are mandatory, as proposed in the amendment offered, the effect of such a statement in the constitution would be to make these negative propositions mandatory. The rule is universal that these negative matters are never enforced until they are enforced and carried out by laws enacted by the legislature. They merely give the legislature authority to act in certain matters, and prevent their acting in certain matters.

Mr. SMITH. It would demand a strict construction of these matters instead of a liberal as intended.

Mr. HAY. I withdraw that amendment if it is permitted.

Mr. PRESIDENT. It will be withdrawn if there is no objection.

Mr. HARVEY. I last night moved to strike out all after the word "debt" in Sec. 5, under the supposition that it was necessary. My attention has since been directed to the law regarding this matter, and I find Mr. Potter was right. As now amended we could not enact any law to imprison any one to aid in securing the execution of a judgment, and I therefore move to amend the said Sec. 5 by adding the lines in the original section.

Mr. PRESIDENT. The convention has voted to strike out these very same words, and it so stands as the action of the convention, and it seems to me that it would look a little vacillating for us to take this action this morning. It would look as if we did not know just what we did want.

Mr. HARVEY. It was upon a misapprehension of the legal bearing of the matter that I made that motion last night, and since I have discussed the matter and considered it more carefully I think those words should be reinserted.

Mr. CAMPBELL. Was it struck out last night?

Mr. PRESIDENT. It was recommended by the committee of the whole that these words be stricken out, and the convention adopted their report with that recommendation, and it became the action of the convention by that vote.

Mr. HARVEY. To make it less awkward I move that after the word "debt" we insert the words "except in case of fraud." That is the language in the Nebraske constitution.

Mr. PRESIDENT. Gentlemen, it is moved to amend this file by adding to Sec. 5 the words "except in case of fraud." Are you ready for the question. All in favof of the motion will say aye; those opposed no. The ayes have it; it is so amended.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I voted in the affirmative last night, confirming the action of the committee of the whole in regard to this file, and I now desire to move that vote, so far as it effects Sec. 18, be reconsidered.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved to reconsider the vote by which the recommendations of the committee of the whole were adopted, so far as they relate to Sec. 18 of the printed bill. The secretary will read the section.

(Reading of Sec. 18.)

Mr. PRESIDENT. The question is on the reconsideration of the vote by which the report was adopted as to this section. Are you ready for the question?

Mr. CAMPBELL. I was not here last night when this matter was considered, so I do not know what arguments were made in regard to it, but it looks to me as if the section as it stands with that part out would make any person incompetent to hold any office or serve as a juror unless he believes in a God. It strikes me that it is not just right.

Mr. PRESIDENT. Are you ready for the question? The question is on the motion to reconsider the vote. All who are of the opinion that the vote adopting the report of the committee of the whole should be reconsidered, so far as it relates to this section, will say aye; those opposed no. The noes seem to have it; the noes have it. The motion to reconsider is lost. Are there any further amendments to be offered to the file?

Mr. CAMPBELL. I suppose I ought to be censured for not being here last night, when this matter was discussed, and I ought not to take up the time of the convention at this stage of the proceedings, but I would like to inquire if any amendment was made to Sec. 9.

Mr. PRESIDENT. None.

Mr. CAMPBELL. Then I move to amend the last sentence as follows: "Of not more than twenty-three nor less than sixteen, any twelve of whom may find an indictment."

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. The question is on Mr. Campbell's motion to amend Sec. 9 as follows: "Of not more than twenty-three nor less than sixteen, any twelve of whom may find an indictment." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to amend is lost.

Mr. CAMPBELL. Although I don't seem to be very successful with my amendments I want to place myself on record in regard to these things, and I will now move to strike out all of the last sentence after the word "indictment."

Mr. PRESTON. Second the motion.

Mr. PRESIDENT. It is moved to amend by striking out all of the last sentence in Sec. 9 beginning with word "but." Are you ready for the question? All in favor of the motion to strike out will say aye; those opposed no. The noes have it; the motion is lost.

Mr. CAMPBELL. I have another amendment which I wish to offer. Sec. 10, I believe that was not amended. Now, Mr. President, I don't think this committee here can improve on the language of the United States statute on this subject, and I therefore move to amend by striking out the words "to meet the witnesses opposed face to face," and put in the language which everybody understands, "to be confronted with the witnesses against him." That is the language that has been passed upon by the courts, and we all know what it means.

Mr. PRESIDENT. You have heard the motion made by Mr. Campbell to strike out and insert. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The chair is in doubt. All those in favor of the motion will rise to their feet and stand until counted—17. Those opposed will rise and stand until counted—10. The motion to strike out and insert prevails.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I move in the fourth line of Sec. 18, after the word "juror" to insert the following: "On account of his belief in God, or the non-existence of a God, nor." I do this because when the motion to reconsider was pending before the house some of the gentlemen here did not understand what was before the house.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. The gentleman proposes to insert language that he has already voted out. In order to do that it will be necessary to reconsider the matter.

Mr. BAXTER. My motion was to insert "on account of his belief in God, or the non-existence of a God, nor." I do not think those are the exact words that were stricken out.

Mr. PRESIDENT. Will the gentleman present his motion in writing?

Mr. COFFEEN. I would suggest that "on account of his belief or disbelief in God" would make the smoothest reading.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter, moves to amend Sec. 18 by instrting the words "on account of his belief in God, or the non-existence of a God, nor." Are you ready for the question?

Mr. BAXTER. I simply want to say a few words in regard to this matter. Some of the gentlemen present claim that if this is stricken out, the effect would be the same as with it in. Other gentlemen seem to think that it would not. Now it seems to me that the best way for a man to convey his meaning is to say what he means. If he means that a person shall not be disqualified from holding any office of trust or profit, or serving as a juror, I want him to say so. I object to leaving this section in such shape that one man may interpret it to retain that restriction and some other man says it does not. If we mean that it does we had better say so; if we don't mean it, we had better say that we don't mean it. I don't see why a man's religious belief should disqualify him. The question does not touch me personally, because I believe in the existence of a God, but because I believe a man who does not believe in the existence of a God is just as well qualified, just as competent and just as truthful, as a man who does believe, to serve as a juror or hold any office of trust, that I insist this should be inserted. I know two or three men, citizens of this town, who, if placed on the stand, could not swear whether they believed in a God or not, and I would say further that

I don't believe that three men out of five have any deep, rigid convictions as to what they do believe in regard to this question, and I think you are placing a man in a false light to make him swear whether he does or does not believe something.

Mr. HAY. I would like to ask whether the words "any matter of religious belief whatever" would not cover it just as well. It seems to me that it is all covered by that one sentence.

Mr. PRESIDENT. Are you ready for the question? All those who are in favor of inserting the words proposed by the gentleman from Laramie, Mr. Baxter, will say aye; those opposed no. A division is called for. All in favor of the amendment will rise and stand until counted—13. Those opposed will rise and stand—17. In the negative. The motion to insert is lost.

The question now is shall the file be finally read?

Mr. BURRITT. I desire to offer a substitute for Sec. 6. The amendment offered to Sec. 6 that was carried last night takes away, in my judgment, all the force of the section, and I have a substitute which I wish to offer, which reads as follows: "No person shall be deprived of his life, liberty or property without due process of law."

Mr. PRESIDENT. The chair will state the motion of the gentleman from Johnson, Mr. Burritt. He moves that the following be inserted as Sec. 6, in lieu of the present section: "No person shall be deprived of his life, liberty or property without due process of law." Are you ready for the question? All in favor of the adoption of the amendment will say aye; those opposed no. The ayes have it, and the motion prevails. Are there any further amendments? The question is now upon the final reading of File 88.

Mr. CAMPBELL. I have been dubbed a crank for getting up here this morning and offering so many amendments, but nevertheless I would like to know what the words "American Union" in the last line of this file mean? I don't believe there is any such thing as the "American Union." I say it is the United States of America, and that there is no such thing as the so called "American Union," except as that vague term is used by spread-eagle, high flying orators, and I therefore move that the words "American Union" be stricken out, and the "United States of America" inserted in lieu thereof."

Mr. PRESIDENT. The question is now upon the final reading and passage of the file. It has passed the point where amendments can be made. All who favor the adoption of File 88 as now amended as a part of the constitution will say aye as their names are called; those opposed will say no as their names are called. The secretary will call the roll. The vote upon File 88 is as follows: Ayes, 31; nays, 5; absent, 13. The file No. 88 you have adopted, gentlemen, as a part of the constitution of Wyoming. This disposes of all matters upon the table for final reading.

Mr. REED. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Reed.

Mr. REED. I desire to offer a proposition at this time and move that it be placed on the general file. The proposition is as follows: "Appeals from decisions of compulsory boards of arbitration shall be to the supreme court of the state, and the manner of taking such appeal shall be prescribed by law."

Mr. PRESIDENT. Is there objection to the proposition being offered at this time? The chair hears none, and it will be referred to the general file to come up in the regular order. Are there any other propositions or reports at this time?

Mr. POTTER. In accordance with the suggestion made by the chair, the judiciary committee desires to make a report upon some files referred to them.

Mr. PRESIDENT. Is there any objection to the report being received at this time? The chair hears none. The report will be received.

(See journal page 96.)

Mr. PRESIDENT. A motion to go into committee of the whole for consideration of the general file is now in order.

Mr. HARVEY. I move we now go into committee of the whole for consideration of the general file.

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. The question is on the motion to go into committee of the whole for consideration of the general file. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion to go into committee of the whole prevails.

(The president called Messrs. Harvey, Casebeer, Clark, Foote, Campbell, Reed to the chair, but all declined. Mr. Elliott of Johnson finally accepted.)

Mr. CHAIRMAN. The first file to be considered is substitute for Files No. 59, 29 and 8, on education.

Mr. HOYT. Mr. Chairman, it will be recollected that this was taken up for a few moments the other evening, and at that time I stated that while all the sections had been very carefully considered by the committee, Sec. 1 was somewhat hastily prepared in order to get it before the committee of the whole. And I beg to offer the following as a substitute for Sec. 1:

(Hoyt's substitute for Sec. 1.)

"Since the security and general welfare of a state depends mainly on the popular intelligence and virtue of its citizens, the legislature shall provide for and maintain a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may demand, and the means of the state allow, and such other schools as may be necessary."

Mr. BURRITT. I would like to ask Mr. Hoyt if he considers it a wise thing to leave to the legislature the establishment of grades in schools?

Mr. HOYT. I suppose the legislature will make such provisions as will lead to the establishment of grades. It is not supposed that the legislature will interfere with the grades as they are at present, but it has been thought possible that there might be other classes of schools. Schools for manual training have been opened in many places in connection with the public schools. Then there is the kindergarten, for very little children before they are prepared to enter the eight grades which are established almost universally throughout the country.

Mr. CHAIRMAN. The question is on the substitute. Are you ready for the question?

Mr. BAXTER. I take exception to it because I don't think that the security depends mainly upon the intelligence of its citizens. I think it is dependent upon the virtue and uprightness of its citizens.

Mr. COFFEEN. I wish simply to state that I think that intelligence is not the only safeguard of free institutions; virtue is greater and stronger than education.

Mr. RINER. I am inclined to think that if Mr. Coffeen and Mr. Baxter will refresh their memories they will recollect that in discussing the educational qualification to the right of suffrage, that they contended that it was. I am therefore in favor of the substitute.

Mr. MORGAN. I move to strike out all of the first part of the section down to the words "the legislature."

Mr. HOYT. I think the committee would make no objection to that. This clause is introduced only with the design to educate the public mind, that is all.

Mr. CHAIRMAN. All in favor of the amendment will say aye; those opposed no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—18. Those opposed will rise—6. The motion is carried.

As many as favor the adoption of this substitute as amended will say aye; those opposed no. The chair is in doubt. As many as favor the adoption of the substitute will rise and stand until counted—17. Those opposed will rise—6. The motion is carried. The substitute is adopted.

(Reading of Sec. 2.)

Mr. MORGAN. I suggest that the figures be stricken out and the words written.

Mr. CHAIRMAN. That is a matter that the committee on revision will attend to.

(Reading of Sec. 3.)

Mr. CLARK. I move to strike out the section.

Mr. PALMER. Second the motion.

Mr. HOYT. I would like to ask the gentleman why?

Mr. CLARK. My reason is that I believe in the section above everything that can possibly go to the schools is provided for, and I don't see any necessity for this section.

Mr. CHAIRMAN. As many as are in favor of striking out will say aye; contrary, no. The chair is in doubt. As many as favor the motion will rise and stand until counted—16. Those opposed—5. The motion is carried. No objection to Secs. 4 and 5.

(Reading of Sec. 6.)

Mr. HOYT. There seems to have been an error in the first line, after the word "belong." I think there should be inserted "to the public school fund."

Mr. POTTER. I move to amend by striking out the words "county treasurers" and insert "custodians of such fund." Perhaps we ought to omit that part providing that the money shall be paid to the county treasurers, as the legislature might make other provision. I don't know as we ought to bind the legislature as to the method, and therefore I move to strike out "county treasurers" and insert "custodians of such fund."

Mr. BROWN. The county treasurer receives all the money for the school funds of the county, and I think he ought to receive every cent and then have it disbursed by the treasurer of the county among the several school districts. This belongs to the fund of the county and ought to be in the hands of the county treasurer.

Mr. BURRITT. Let me call attention to the fact the constitution, as we now have it, does not specify any county officials at all. Now supposing the legislature should see fit to designate some other person than the county treasurer, supposing they shouldn't have a county treasurer and should call it something else?

Mr. COFFEEN. I desire to ask one question of the committee. "All fines and penalties." Are there not other funds that should be turned over to the county besides "fines and penalties?"

Mr. HOYT. That matter was carefully considered by the committee, and while several matters were included they were finally thrown out as being funds that would go into the county fund in a general way, and we thought it not wise to interfere with them.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Hoyt, to insert after "belong" the following: "To the school fund." As many as favor the amendment will say aye; those opposed no. The ayes have it; the amendment is carried. The next amendment is the one offered by Mr. Potter, to strike out "county treasurers" and insert "custodians of such fund."

Mr. HOYT. I suggest that the words "county treasurers" be allowed to remain, but after the word "collected" to insert a clause which Mr. Potter will prepare, covering the ground, which he will now offer.

Mr. POTTER. In order to get this right I move to amend as follows: "All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties, and be paid over to the custodians of such funds for the current support of the public schools therein." Amend the whole section in that way.

Mr. GRANT. I think that this fund ought to be turned over to the county if possible, and I think that the section as it now stands is right. We certainly will have a county treasurer; we will have to have.

Mr. CHAIRMAN. Are you ready for the question?

Mr. FOX. I think that the section as it now reads is just right. I have been in the Albany county treasurer's office and I know all the money that comes in to the treasurer is put into the school fund, and is apportioned by the school superintendent of the county to the different districts of the county, according to the number of children, and I think the county treasurer is the proper person to handle it.

Mr. CHAIRMAN. As many as favor the amendment will indicate the same by saying aye; those opposed no. A division is called for. As many as favor the substitute will rise and stand until counted—17. Those opposed will rise—17. The motion is carried and the substitute is adopted.

(Reading of Sec. 7.)

Mr. RINER. I move to strike out the word "sacred" for the reason it is unnecessary.

Mr. BAXTER. I rise to make an inquiry. It says that "all funds for educational purposes." The state may have some funds set apart for a university. Now under this section would not that fund have to be applied for the "benefit of the public schools."

Mr. FOX. I move that Sec. 7 be stricken out.

Mr. CHAIRMAN. The question is on the motion of the gentleman from Laramie, Mr. Riner, to strike out the word "sacred." All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BAXTER. I move to strike out in the seventh line the last four words and insert "or of the United States." I think bringing in the word "securities" so many times makes the sentence awkward.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

(Reading of Sec. 8.)

Mr. BROWN. I call the attention of the committee to the fact that the word "funds" refers to two or three different funds, while the intention of the section is to refer to the funds in the preceding section. I therefore move to amend by inserting the words "in the preceding section."

Mr. CHAIRMAN. You have heard the motion. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. GRANT. I move to strike out in the third line "school district" and insert "county."

Mr. CHAIRMAN. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BROWN. I move to insert in line one of Sec. 7, in place of the word "educational" the words "qublic school purposes."

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. You have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 9.)

Mr. JOHNSON. I move to strike out the word "five" and insert "three." To have it five would work a great hardship in some of the outside districts.

Mr. CHAIRMAN. You have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BURRITT. After the word "age" I move to insert "actually in attendance and enrolled." If I can get a second I will explain.

Mr. REED. Second the motion.

Mr. BURRITT. I make this amendment by reason of a little experience I had as superintendent of public schools in my county. The number of school children returned to me as superintendent of public schools made me open my eyes. I carefully examined the law, and being satisfied that there was no such number of children in school, and after taking advice, I found I could do nothing but apportion the money to them, and I made the apportionment, but at the same time sent them by registered mail a notice that any false return that had been made by the board of trustees might get the school board into trouble, and I found that they had made their report, sending in the names of every person between the school ages, in that district, whether they attended school or not. The result was that a district where about twelve children went to school they had about four hundred and seventy as I remember it. I went over there and personally investigated the matter, and found that they had included in that list a large number of cowboys on the range. Now I think it should be distributed among the counties in accordance with the number of children actually in attendance.

Mr. SUTHERLAND. I would like to speak just a moment. We have got a school district in Albany county, two families support it, and if you would only allow us for the children that actually go to school we would have to shut up the school, and deprive the children up there of any chance to go to school at all, and for that reason I would rather see it as it stands.

Mr. BROWN. I generally agree with my friend from Johnson, because he is very clear headed, but I cannot agree with him in this. I think that there is but one way to apportion this money among the schools, and that is the way provided by this section. If you change as suggested you hold out this inducement. In order for a county to get more than its fair proportion of school money, this plan might be adopted: People who are not entitled to school money because of their non-attendance would go into school for a single day, and enroll as members of the school, and never again go into the school, and they would go for the very purpose of securing the school money. In some districts you might find that it worked to great advantage to the interest of a single county. Now in distributing this money as between counties, and that is the proposition here, what reason can there be against the theory of counting every person of school age in the county. What ob-objection to this method is there? We have, by law, now a way of ascertaining the age of every person in the county who is entitled to it; our assessors are required to incorporate this in his report. And if such system is continued we will have some reasonable method of ascertaining the number of scholars who may draw money, and have some data upon which to act in distributing money, and it seems to me the much better method, and the only one that can be fairly adopted.

Mr. BURRITT. I would like to say to Judge Brown that there are six hundred children in the public schools of Cheyenne, right over there there are two or three hundred, certainly a hundred and fifty. Now if this is carried out in the way planned here, we in Johnson county who are attempting to support the public schools up there, will not have as much money per capita for the support of our schools, according to the number of children in them, as will the city of Cheyenne. I acknowledge, Mr. Chairman, they would be on the opposite side of the position I take in the city of Laramie and in the city of Cheyenne, where large private schools are maintained, and reduces the general per capita school tax for the support of the public schools, but I insist that it works an injustice where we have such private schools, having a large number in attendance, and if the state is to have a compulsory educational clause as it is, it seems to me the method suggested by me is the only equitable one to divide the public moneys equally among the children of the public schools.

Mr. BROWN. Would the gentleman wish to deprive the children in the territory of their fair proportion of the public moneys, whether they go to school or not?

Mr. BURRITT. I don't go much on these outside schools. If the people want to send their children to outside schools let them pay for it, and not take our money away.

Mr. SMITH. What the gentleman from Johnson says is probably true, but I fail to see the force of any argument in it. Suppose they do have private schools, it is the people who live here who support these schools, and the others have the benefit, for they get more for their schools, but still the money comes to their district. I don't see how you can improve on the method provided here; it may sometimes work hardship. Now in fact it would injure the larger school if we were to distribute it in proportion to the average attendance, but I don't think it would be fair. Now in our county Rawlins gets about ninety per cent of what Carbon gets, they maintain their schools with two teachers, and the teachers have no more scholars than we have. They make it their business there to see that every scholar they can get hold of gets to their school at least half a day to get on the roll. It seems to me as if every person made it their business to secure every scholar there is in the district, so they show a large percentage, our average attendance is just as good as theirs, but they keep theirs up by watching it. The teacher makes his report, and the superintendent makes his apportionment accordingly, and I admit it works some hardship occasionally.

Mr. BURRITT. I withdraw my amendment. We are standing in our own road. We will send and register all our cowboys and the Indians and soldiers on the Fort McKinney reservation, and we will get our share of the money.

Mr. JEFFREY. I have always been of the opinion that this matter of the apportionment of school money properly belongs to the legislature, and the discussion here this morning tends further to prove it. It is very easy to repeal a statute, but a hard matter to change a constitution, and as the members of this convention very widely differ in their opinions on this matter, I move to strike out all after the word "county" in the second line down to and including the word "each" in the third line, because I believe the proper course to pursue is to leave it to the legislature.

Mr. MORGAN. On behalf of the committee I would like to say that this question was very carefully considered, and the committee deemed it wise to insert this clause as it reads, and I believe it ought to stand as it reads. We have a compulsory school law in this territory that every child must go to school. Now we must provide for every child whether they attend or not. The argument of private school don't cut any figure; in time no one may attend these private schools; they may have all come out and want to go to the public schools. All of the age that must attend must be provided for by law, and why not determine it right here, and it seems to me that this section properly disposes of the matter.

Mr. HOLDEN. I hope the amendment as suggested by Mr. Jeffrey will prevail for this reason. Under our statute as it now stands the superintendents of public instruction are required first in making their apportionment to apportion one hundred and fifty dollars to each district in the county, and the balance of the fund can then be apportioned pro rata according to the average daily attendance. Now if this section is left as it is now, it seems to me this provision of the legislature which they wisely made for the maintenance and protection of the weaker districts, would be rendered impossible, and under the proposed distribution it would give some of the smaller districts less than $100, and on that they could not maintain a public school.

Mr. COFFEEN. I am opposed to the amendment to strike out for this reason. You will leave the distribution of quite a large fund to the legislature, to the bias and prejudice that may prevail there, and I do not approve of that. The state will be liable to suffer more or less injustice in this matter unless you keep the distribution of this fund as provided in this article; that takes it out of the power of the legislature, for any local or any other reasons, to vary it from the number of children of school age. I think you will all admit that it is more equitable and safer than to leave it open. I believe it is about right as it is, and shall oppose the motion to strike out.

Mr. HOYT. I will just say that that point was carefully considered by the committee.

Mr. CHAIRMAN. The question is on the motion of Mr. Jeffrey to strike out the words "according to the number of children of school age in each." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

(Reading of Sec. 10.)

Mr. SMITH. I move to insert the word "such" before the word "further."

Mr. CHAIRMAN. It is moved to insert the word "such" before the word "further" in the first line. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments to Sec. 10? The secretary will read Sec. 11. Any objection to Sec. 11? The chair hears none. Sec. 12 will be read.

(Reading of Sec. 12.)

Mr. TESCHEMACHER. I would like to ask what that means.

Mr. POTTER. I will explain that. It won't do to let the territory nor the superintendent of public instruction prescribe text books. I venture to say there is no more corruption than that which is caused where the prescribing of text books is left to the legislature. This matter has been very fully discussed throughout all the states, especially in his own state the gentleman will find that this question has given rise to a great deal of discussion.

Mr. CHAIRMAN. Is there objection to Sec. 12? The chair hears none.

(Reading of Sec. 13.)

Is there objection to Sec. 13? No objection. Sec. 14 will be read.

(Reading of Sec. 14.)

Mr. HOYT. I will say that this section was approved and printed by the committee before the report had been made by the committee on public lands. Since that report came in I see they use the words "land commissioners" instead of "board of public lands." It will be necessary to make them conform. I therefore move that this section be made to conform, so far as the title is concerned, to the section contained in the article on public lands.

Mr. FOX. I move the words "state treasurer" be stricken out.

Mr. POTTER. I was going to suggest that as the public lands report is before us, although it has not been reached yet, as we don't want any confusion in these two bills, it strikes me it would be best to refer them to a joint committee, composed of the two committees, in order that they may be made to conform, and if necessary this matter be embraced in one section.

Mr. HOYT. Could not the revision committee attend to that?

Mr. GRANT. I move to amend by striking out the word "governor" instead of "state treasurer."

Mr. HOYT. Is not this the organization contained in the article on public lands?

Mr. GRANT. My object is to make them conform.

Mr. COFFEEN. I second the motion but for a little different reason. It is this. The state treasurer is the official who would, I take it, be more interested in rushing the sale of the public lands, more so at least than any of the other three persons, and therefore I would retain the governor. My own conviction is that the land ought, as nearly as practicable, be held in perpetuity, and not disposed of hastily. I would rather the public school lands be held for twenty years, and by that time the state will see that the true policy is not to dispose of them at all. I should favor leasing our lands and not sell them at all. I just bring this up that the gentleman may think of it when we come to it.

Mr. CHAIRMAN. The question is on the motion to strike out the word "governor." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. The question is now on the motion to strike out the word "state treasurer." Are you ready for the question? All those in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise and stand until counted—9. Those opposed will rise and stand—11. The motion is lost. Any further amendments?

Mr. HOYT. I move that the revision committee be authorized to make Sec. 14 of this file conform to the section regarding the same subject contained in the article on public lands.

Mr. BROWN. Is that not one of the duties of the revision committee to look after just such things as this and make them conform? I see no use of authorizing them to do this thing, when they already have that authority.

Mr. CHAIRMAN. Sec. 15 will be read. Is there any objection to Sec. 15? The chair hears none. Sec. 16 will be read.

(Reading of Sec. 16.)

Mr. CLARK. I offer the following as a substitute for Sec. 16 of the printed bill: "The establishment of the university of Wyoming is hereby confirmed, and said institution with its several departments is hereby declared to be the university of Wyoming. All lands which may hereafter be granted by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the board of public lands. but may not be sold on terms not approved by congress, nor to any one person, company or corporation. in quantities exceeding 640 acres."

Now, Mr. Chairman, the only changes made in the section is, first, the change as to the permanent location of the university, a change as to the grants of the United States, and the changes in the last clause, which really means nothing as it stands in the printed bill, "they shall be disposed of to no person in subdivisions exceeding 640 acres," which means nothing, because under our laws there are no subdivisions of 640 acres.

Now in regard to the first part of the section, I am willing that the establishment of the university as a fact in the educational system of our territory should be conceded. But I am not willing, and I would not vote for any proposition that permanently locates a public building or institution in any one place.

I am not in favor of locating the university at Laramie City forever, any more than I am in favor of permanently locating the capital at Cheyenne forever, or the insane asylum at Evanston forever.

Now in regard to the next place where the substitute differs from the printed bill. "All rights, franchises, immunities and endowments heretofore granted or conferred are hereby perpetuated unto said university." I am firmly of the opinion, after looking up the law this morning, that if that is passed, no matter what may be the needs of the university, no matter what the wealth and assessable property of this territory, there will be absolutely required to be collected and paid into the treasury a tax of one-half a mill on the dollar on the assessed valuation of the territory. I may be mistaken, but I believe under the term "endowment" comes this tax. In the original law providing for the establishment of a university, which is Sec. 3,716, is the following: "To provide an income for such university, there shall be assessed upon all the taxable property of the territory, in each year after the passage of this chapter, a tax of one-fourth of a mill, on each and every dollar of the assessed valuation of such property." If that is not an endowment, I don't know what it is. There shall be levied a tax of so much, that means there is an endowment of a quarter of a mill on every dollar of assessable property in Wyoming territory. The last session of the legislature amended that. It was not merely an appropriation bill, granting so much, but it is a direct amendment to this original Sec. 3,716. It is found in Sec. 35, page 62, of the session laws of 1888. Sec. 3,716 (which I have just read) of the revised statutes is hereby amended and re-enacted so as to read as follows: "Sec. 3,716. To provide an income for such university there shall be assessed upon all taxable property in the territory, in each year, a tax of one-half of a mill on each and every dollar of the assessed valuation of such property, which tax shall be levied, collected and paid to the territorial treasurer in the manner provided by law for the levy, collection and payment of other territorial taxes." So I fear if we adopt this section we may get into trouble, and it will be something we may regret in the future. I believe in the good sense of the people of Wyoming, it has been settled so far as educational matters are concerned, in providing for the beautiful university, and in the providing for a tax for the support of that university. As a state, this university will have a large income, a larger income perhaps than the territory itself, from the use of its school lands, and the further provision in this bill that the legislature shall provide for any deficiency that may exist, it seems to me according to my construction of the word endowment that this would have the effect of making that one-quarter or one-half of a mill tax permanent, no matter what the needs may be.

Mr. GRANT. Not to exceed one section of land, would not that be sound?

Mr. HOYT. I feel I may consider myself authorized by all members of the committee to say that the committee in drafting this section had no intention of perpetuating a fixed tax, a tax of any particular amount, to the university, as one of its funds and resources, and I do not think that the language used would involve that.

Mr. POTTER. I agree with the chairman that it was not the intention of the committee.

Mr. COFFEEN. In view of the statements of the last two gentlemen it would seem that there is no serious objection on their part to making it certain that this will not be made perpetual. I am in favor of the amendment as proposed; I think it is necessary for all the three points that he named. First, we will be sure this tax is not made perpetual; second, that it will not permanently locate the university, not that I think that anybody at present desires to move it, but it would be safer and better not to bind ourselves unnecessarily, third, the change in the language of the last clause makes the sense much better, and makes three good reasons for favoring the substitute offered by Mr. Clark.

Mr. CLARK. My attention has been called to the fact that there has already been a grant of seventy-two sections to this university, and I threfore desire to insert after the word "which" in the eighth line "or lands which have heretofore been granted."

Mr. BAXTER. I move to amend the substitute by striking out the last part of the last sentence. I don't see why we should put a limit on it. If you will realize more by selling to one man, what is the objection to one man's acquiring more than 640 acres? I don't see any use in putting that restriction upon it.

Mr. CHAIRMAN. The question is upon the amendment to the substitute Are you ready for the question? Moved to strike out the last part of the last sentence. As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—15. Those opposed will rise—7. In the negative. The motion is carried.

The question is upon the adoption of the substitute as amended.

Mr. BROWN. The only objection that I have to the proposed amendment is that is puts the university on wheels, to be wheeled around anywhere they may please at any time. I am opposed to the amendment for that reason, and I simply say to some of these gentlemen that if they propose to put these buildings on wheels it may prove a boomerang to some of them.

Mr. POTTER. I don't believe in putting it on wheels, but if the majority of the convention don't want to make it perpetual, they can make the location as established for a certain term of years, and let it be changed on a vote of the people.

Mr. PRESTON. I am in favor of this amendment for the reason that I think it is a good idea to put these buildings on wheels. When we become a state we want to wheel them up into the central part of the state. Therefore I am in favor of the amendment.

Mr. RINER. I am of the opinion that the location of these public buildings should come in a separate section. I notice there is always a separate article on the location of public buildings and state institutions, and are generally in this form. It provides they shall be located at the place at which they are located at the adoption of the constitution for a certain term of years, which in the judgment of the convention can be fixed at any term, and that afterwards they may be changed upon a vote of the people. That, it seems to me, is a fair proposition. I therefore favor Mr. Clark's amendment. I take it that the committee on schedule have provided that the location of these public buildings shall only be changed after a proper term of years by vote of the people. That is where it belongs, and has no place here. I think all these institutions should be located where they are now located for a certain term of years. We don't want that question submitted until we are able, and the interests of Wyoming warrant the change. Then it will be submitted after a certain term of years to a vote of the people. I don't believe the university will ever be changed, but I agree with Mr. Clark that it is not right for this convention to seek to locate any public institution except for a term of years, and after that let it be submitted to the people, and if they want to change it they can do so. They can consider any question of expense, and their taxable resources, and if they see fit to make the change they can do it.

Mr. BROWN. The schedule does not provide for any of these things. It might well do so, and I think should properly contain such provisions, but inasmuch as this leaves the entire matter open if we adopt this section as now proposed, it places practically the university upon wheels, whatever it may do to the other institutions. The sentiment expressed by Mr. Riner coincides exactly with my own views upon this question, and I think that these institutions should be located for a term of years, and should never be moved except upon a vote of the people, and I think this should be so as to the capital, as to the university or any of these public buildings or institutions that have been established by law. Now if it is the sense of the convention to place these things in the schedule, I am satisfied with that, but I am not satisfied that these things should be left open to come into future sessions of the legislature for the next ten years, to be matters of log rolling.

Mr. RINER. I think it is the sense of this convention that these things go into the schedule, there can be no reasonable objection to that that I can see.

Mr. JEFFREY. By way of explanation concerning that schedule, I will say that the idea of the committe on schedule was that that would be provided for under a separate heading of state institutions. We found that was the customary way of doing it, and that is why it was omitted.

Mr. HOYT. I merely desire to say that the committee in drafting this followed the form which they found in some constitutions locating or confirming the location of the university, where it happened to be a provision of the constitution, and as to the matter of fixing or saying anything about the location of public buildings, the committee on education were of the opinion that that subject would be dealt with, and more properly, by the committee on schedule, and so left it out.

Mr. POTTER. I move this be referred to the committee on public buildings.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of so referring Sec. 16 will say aye; contrary no. The ayes have it; the motion prevails. Sec. 17 will be read.

(Reading of Sec. 17.)

Mr. BURRITT. I move to strike out from lines five and six the words "as the crowning educational institution of the state." Mr. Chairman, I move to strike this out not for the reason that I hope it will not be the crowning educational institution of the state, but because very likely it may not be. A private university more heavily endowed than the state university might be able to get ahead of it.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—15. Those opposed will rise—8. The motion is carried. Any further amendments?

Mr. BROWN. I move to strike out "both sexes, irrespective of race or color." I don't believe there is any sense in encroaching on the color line. Leave those terms out, and it don't exclude anybody.

Mr. HOYT. The question has sometimes been brought up about the propriety of admitting colored citizens, and we wanted to put that beyond all question by putting it in here, as it has not been covered in any other place.

Mr. CHAIRMAN. As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor of the amendment will rise and stand until counted—14. Those opposed will rise—16. In the negative. The motion is lost.

(Reading of Sec. 18.)

Mr. BURRITT. I don't see why trustees should serve as university regents without receiving some compensation, and I think that can be left to the legislature. At such time as the state is able to pay the regents a fair compensation for taking this trouble, a fair provision can be made for it, and I think it should be left to the legislature. The governor will appoint some trustees from distant parts of the territory, who may have to be absent from their business a long time to attend to their duties, and they should have some compensation, and I think that matter should be left to the legislature.

Mr. BAXTER. I don't like the beginning of the sentence. I move to amend by striking that out and saying "the legislature shall provide for the management, etc., by a board of trustees."

Mr. RINER. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment offered by the gentleman from Laramie, Mr. Baxter, will say aye; contrary no. The ayes have it; the amendment prevails.

Mr. JOHNSTON. I move to strike out in the second line the word "seven' and insert "five." My reason for doing so is that these men will probably be appointed from distant parts of the territrory, and it would be harder to get a quorum with seven than five.

Mr. HAY. Strike out consisting of seven members and leave it all to the legislature.

Mr. BROWN. I believe that the number of the board as fixed now is as wisely done as it can well be. You will find this certain, no mater how the number of the board may be increased or decreased, the board is compelled to meet as often as once a month, and often times meets—three or four times a month to attend to the necessary affairs of the university, and to call men from different parts of the territory as often as they are compelled to meet, would be an unwise thing and could not be done. Now however your board is constituted, you will have to have a majority of the trustees appointed from sections so near the seat of the university as to enable a quorum to meet there at any time for the transaction of the necessary business of the university. I believe as it is fixed now it is wisely done. It may be well to trust it to the legislature however.

Mr. HOYT. I will simply state I know of no institution of this kind in the country where the board of trustees consists of a less number than seven. This is the least number of which I have any knowledge, and I confirm what has been said by Judge Brown on the matter of having the board at least consist of seven.

Mr. COFFEEN. I wish simply to express the hope that this will not prevail. I believe seven to be the better number for the reason stated, and I would add no number to touch the efficiency of the board as fixed and reported by the committee in charge, unless there is some grave reason for changing it.

Mr. HAY. I had no desire to effect the efficiency of the board, but it seems to me its efficiency would be better secured by leaving it to the legislature, instead of fixing a number here.

Mr. CHAIRMAN. The question is on the motion to strike out 'seven." As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise—12. Those opposed will rise—16. In the negative. The motion is lost.

Mr. HOPKINS. I would like to make an amendment in this way. I believe that the president of the university and superintendent of public instruction should be members of this board of trustees. I believe they should be active members of that board, and I should like to make an amendment so as to cover that ground.

Mr. BROWN. I would suggest an objection to that. As this will stand the governor appoints three trustees. Now if the president and superintendent of schools are to be made trustees, they would have to be appointed by the governor, and we don't want to put the control in the hands of the governor. I think the proposition is just right as it is; and will serve the state in the best way.

Mr. CHAPLIN. I move to strike out the last sentence.

Mr. CHAIRMAN. Gentlemen, you have heard the motion to strike out the last sentence. All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BAXTER. I voted in the affimative to strike out the number "seven," so I believe I am in a position to move a reconsideration. If some gentleman would be kind enough to second the motion I will, I believe, be able to show why it should be fixed at a much larger number. I formerly lived in a section where the university that was handsomely endowed was almost broken down by being without sufficient trustees or regents, as they call them there, and it finally got to a pass so that the legislature had to increase that number to twenty or twenty-five, and it came about in this way. There it just happened that the men who were filling these positions had somebody that had to have a living (and while it is not fair to suppose that such a condition of affairs is going to come about here, or that our trustees will be governed by any such considerations), I know that in the university of Tennessee it did come about, a few incompetents were placed on the faculty because of the relations they bore to the board of trustees, and the university lost standing which it took twenty years to recover. My idea is this, they should not be paid anything, but that they should meet once a year and give such attention to the affairs of the university as might be needed. Leaving the control of the faculty under such restrictions as they might prescribe. I believe if you are going to fix the number at all, you should fix it much larger. I don't see why the ordinary routine of the university should not be left to this faculty.

Mr. BROWN. I want to make a suggestion to those who have this matter in charge. My idea of this whole business is this: That the financial affairs of the university ought to be under the control of a board of trustees, and their entire duties and connection with the university should be limited to the care of its property, and its financial affairs. That there should be constituted, outside of the board of trustees, a board of regents, whose duty it should be to generally look after the welfare of the university as an institution of learning, and controlling its corps of principals, and all that sort of thing. That should be their part of the work, and they should not be controlled by the board of trustees.

Mr. BAXTER. I would suggest that instead of having two boards, that you have a larger board of trustees, and they might designate an executive committee out of their own number, and delegate to them certain powers.

Mr. COFFEEN. In lieu of the recommendations that have been presented, I move after the words "consisting of" be inserted the words "not less than."

Mr. RINER. I move that this committee rise and report and ask leave to sit again.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion that this committee now rise and report will say aye; contrary no. The ayes have it; the committee will now rise.

Mr. President:

Your committee of the whole, having had under consideration substitute for Files 59, 28 and 8, report progress and ask leave to sit again.

H. S. ELLIOTT, Chairman.

Mr. PRESIDENT. What will you do with the report of your committee, gentleman?

Mr. BURRITT. I move it be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report of the committee of the whole is adopted.

Mr. RINER. I move we take a recess until 2 o'clock.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention will take a recess until 2 o'clock.

AFTERNOON SESSION.

Thursday afternoon, Sept. 26th.

Mr. CHAIRMAN. The gentlemen of the convention will resume their seats. At the hour of adjournment we were considering the general file. The action of the convention upon the report of the committee was to the effect that we would be permitted to sit again on the file.

Mr. HAY. I have a report which I want to present; a report of Committee No. 15.

Mr. FOX. I move we now go into committee of the whole for consideration of the general file.

Mr. HOYT. Second the motion.

Mr. PRESIDENT. It is moved that we now go into committee of the whole for consideration of the general file. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Elliott take the chair? Gentlemen, we are now in committee of the whole, Mr. Elliott in the chair.

Mr. CHAIRMAN. When the committee arose, gentlemen, it was on the point of considering the motion of the gentleman from Laramie, Mr. Baxter, to reconsider the vote by your committee, on the motion to strike out "consisting of seven members." Shall the vote by which the committee refused to strike out be reconsidered? As many as favor the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. COFFEEN. I will now offer the amendment that I did heretofore "consisting of not less than."

Mr. HOYT. I have a suggestion to make which might be taken into consideration with that; to add after the word "members," who shall have authority to appoint an executive committee of their own number to have charge of the university." If the legislature saw fit to enlarge the number it would be unnecessary to have any executive committee.

Mr. CHAIRMAN. Gentlemen, it is moved to insert between the words "of" and "seven" the words "not less than." Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. I just wish to make one general comment. I believe that power is held now by the board to authorize a certain portion of it to act for it.

Mr. HAY. I want to ask the indulgence of the committee just a moment. Committee No. 15, on salaries of public officers, want to make a report, and would like to have it printed, so it can come before the convention tomorrow.

Mr. RINER. I move that this committee rise and report progress and ask leave to sit again.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise.

Mr. President:

Your committee of the whole, having under consideration substitute for Files No. ...., report progress and beg leave to sit again.

H. S. ELLIOTT, Chairman.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. COFFEEN. I move the report be adopted.

Mr. PRESIDENT. It is moved that the report be adopted. All in favor of the motion will say aye; contrary no. The ayes have it; the report is adopted.

Mr. HAY. I should have included this motion to print, when I asked permission to present the report before.

Mr. PRESIDENT. Is there objection to the report being received at this time? The chair hears none. The secretary will read the report.

(Reading of report of committee No. 15.)

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. GRANT. I understand there is a minority report. I move that both be ordered printed.

Mr. PRESIDENT. The question is on the printing of the majority and minority reports of Committee No. 15. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to print prevails. Any further reports?

Mr. FOX. I move we now go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. The convention, unless there is objection, will go into committee of the whole by unanimous consent, for consideration of the general file, Mr. Elliott in the chair.

Mr. BROWN. In looking at this section I find the following words: "The duties and powers of the trustees shall be prescribed by law." This leaves it for the legislature to limit their powers, to increase them, or anything else, and covers entirely the proposition which Governor Hoyt was about to offer.

Mr. CHAIRMAN. If there is no objection the amendment will be withdrawn.

Mr. BROWN. I move to strike out all of the words of the section after the word "senate" in the sixth line.

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. It is moved to strike out the words "whose duties and powers" shall be prescribed by law. All in favor of the motion will say aye; contrary no. The ayes have it; the motion to amend prevails. Any further amendments to Sec. 17? If not Sec. 18 will be read.

(Reading of Sec. 18.)

Mr. FOX. I move to amend by striking out all after the word "prescribe" in the third line.

Mr. HARVEY. Second the motion.

Mr. HOYT. This provision was incorporated by the business members of the committee, who had knowledge of institutions of just this kind, which have been managed in like manner with very great economy. These institutions often cost a great deal, on account of the expense attending the management of them, by separate trustees. We are going to have a penitentiary and deaf and dumb asylum, and they will involve a large, expensive management, and we must think of these things. There are always unselfish persons ready to give their services to the state, and who devote a good deal of time to it, and can be retained from time to time. This has been done very successfully in other states and I think it would be well to put this in.

Mr. CHAIRMAN. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. JOHNSTON. I move to strike out all after the words "and reform" in the fourth line, leaving it to the legislature to designate the number, and leave the last line in, "and whose duties and powers shall be prescribed by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

(Reading of Sec. 2.)

Mr. FOX. I move to strike out the words "in Sec. 1" and insert "in the preceding section."

Mr. GRANT. That is a matter for the revision committee to fix.

Mr. COFFEEN. If there is no objection I move to strike out in line five the words "Sec. 1" and insert in lieu thereof "the next preceding section.'

Mr. HOPKINS. I move to amend by saying the "last preceding section."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 1, health and public morals.)

Mr. CHAIRMAN. Any amendments to the section as read?

Mr. CAMPBELL. I think the first part of this is merely introductory, and I therefore move to strike it out.

Mr. HOYT. It was thought that it might be well to put that in, it gives a high moral tone to it, and there is no harm in it.

Mr. CHAIRMAN. Is there a second to the motion to strike out? The chair hears none.

(Reading of Sec. 1, public buildings.)

Mr. GRANT. I move to insert "and other property."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to insert prevails.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Any amendments to Sec. 2?

Mr. FOX. I move when this committee arise it report back the substitute for Files 59, 28 and 8, with the recommendation that it do pass.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion that when this committee arise it report back the substitute for Files 59, 28 and 8, with the recommendation that it be adopted as a part of the constitution of the state, will say aye; contrary no. The ayes have it; the motion prevails.

The next thing on the general file is File No. 86, public lands and donations.

(Reading of File 86.)

Mr. COFFEEN. This I think cannot be too carefully considered, and in order to get it before the committee I will offer an amendment. In line five after the word "donations" insert the words "after the expiration of fifteen years," and change the word "shall" to "may."

Mr. TESCHEMACHER. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. COFFEEN. I don't wish to discuss this question. I fear too little thought has been given to it, and I do not know that my amendment will carry, but I believe it is wisest to withold these lands from sale. For myself, I am convinced it will be better to hold them perpetually, but they should be held at least for fifteen years, and I believe the soundness of my amendment will be vindicated by that time. I see no reason why lands which will become valuable in the future should be disposed of by the state, when the rental will amount to more than the proceeds from the sale af these lands. I know it is argued that it sometimes becomes a matter of great complication to take care of the lands of the state, and yet in more states than one think of the great revenues that are derived from the reserved lands of the state. In the state of New York they derive an immense revenue from them, it requires a great number of men to take care of them. Let us consider this matter carefully, in fifteen years these lands will be worth much more than they are today, and by that time it may be found advisable to preserve these lands in perpetuity, and derive an income from them.

Mr. CHAIRMAN. Any further remarks?

Mr. FOX. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Albany, Mr. Fox.

Mr. FOX. The committee on public lands considered this question, but there are some reasons why it should not be adopted. There is a proposition in this senate bill that we will come in under, that gives us certain lands for a certain purpose, and among these lands is one hundred thousand acres for a scientific school, a hundred thousand acres for state normal schools, and a certain amount for penal and reformatory institutions, such as the state may see fit to establish. It may be necessary that we should derive the proceeds from the sale of these lands for these institutions. Amongst these are seventy-five sections of land for the erection of a state capitol, that can be applied in case we should need to build a new capitol in years to come and we won't need these lands after the capitol is built. We will need them in the erection of the capitol. For some of the other institutions we might need the money inside of fifteen years, and if that can be raised inside of that time, I think that is the way to raise it. I think it is not best to put this limitation upon it.

Mr. JOHNSTON. Do I understand that this amendment would apply to the grants of arid lands to the state, if they should be made?

Mr. FOX. "To the state of Wyoming. For the establishment and maintenance of a scientific school, one hundred thousand acres; for state normal schools, one hundred thousand acres; for state charitable, educational and penal and reformatory institutions, three hundred thousand acres. None of the lands granted by this act shall be sold for less than ten dollars per acre." Now then, these institutions, as I said before, we might build them inside of fifteen years. In fifteen years most of us will have passed from earth. I don't expect to be here by that time, and while we are making provisions for our posterity, if we can enjoy a little of it ourselves, let us have it. I think the section as it is drawn up is better suited to the case than the amendment.

Mr. HOPKINS. It strikes me there is little necessity for limitation as to time in this section of the bill. I believe that the price mentioned is sufficient. That must be the lowest price, and I don't think there is much danger of their selling ever.

Mr. HOYT. I suppose it might be possible to induce congress to change that; reduce it so as to allow a sale at less than ten dollars. While I agree with the gentleman from

Sheridan as to the importance and our duty to preserve and protect these lands intended for educational purposes so as to get the largest proceeds out of them, but it might be necessary in certain cases, as has been referred to, that the lands so intended to be used, be sold and the proceeds applied to the construction of buildings. We should leave it so they can be disposed of if necessary. If it is found to be impossible to dispose of them at ten dollars an acre, congress might allow us to dispose of them for less than the price fixed. The price may be changed or diminished at some time in the future if there should be sufficient reason for it. But the lands intended for the support of the common and public schools and of the institutions of learning, should be very carefully handled by the state, and kept from sale as long as possible. I know in my own state of Wisconsin 240,000 acres of land were given to that state for an agricultural college, and the legislature being anxious to speculate to some extent upon these lands, provided that they be put upon the market, and land worth fifty dollars an acre for the pine timber standing upon it, was sold for $1.25 an acre, and gobbled up, much of it, by the very members who provided for the sale. We want to be very careful about this matter.

Mr. JEFFREY. I want to vote understandingly upon this question, and I presume it is the intention of this convention to proceed in all respects as far as possible in conformity with this senate bill, and I would like to ask one question. I would like to know whether this convention can properly be considered as part of the legislature of this state, and for this reason: Sec. 15 reads: "That the state of Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated and disposed of exclusively for the purposes herein mentioned, in such manner as the legislature of the state may provide." I want to be clear upon that point, so I may vote understandingly upon this question.

Mr. MORGAN. I think I understand that. This convention can restrict the legislature, can prevent future legislatures from doing certain things. There is no difficulty about that.

Mr. COFFEEN. I think the gentleman from Laramie has properly stated the matter we are now discussing. There is no question in my mind but what this motion to amend is consistent with the bill. The legislative powers are determined in all states by the constitution. But I want to say a word further. I really believe if you had time to think over this, if it were not for the rush we are now in to get through, that three-fourths of the members of this convention would be convinced of the wisdom of securing them at least as long as fifteen years, and by that time we will know whether we will want to dispose of them or not.

Mr. MORGAN. It seems to me that it would be the better plan to divide these lands, and sell part of them now, and reserve the other part.

Mr. COFFEEN. I have thought of that. We might have a small per cent of them sold. Five hundred thousand acres are to be given to us in these grants. We will have an agricultural college somewhere in the territory, and we shall have to have buildings for that, and a portion of these lands would have to be sold for that purpose, but let us preserve a large portion of these lands at least, properly preserve them, and the income of which shall go to the support of these institutions. I apprehend that it is not the desire of this convention to throw them onto the market hastily and to rid ourselves of them. One point further, though I do not care to raise it, the temptation that might come to the legislature, and because I speak upon these things I do not wish anyone to think that I have lost confidence in our legislature, because I have not, but the object of my bringing these things up is to make safeguards on behalf of the people, and one of the best safeguards would be to prevent them from selling these lands for a term of fifteen years.

Mr. TESCHEMACHER. Let us look at this from a business point of view. How much of this land that we are going to get would we refuse ten dollars for today?

Mr. HAY. I am opposed to any limit here, and I think if there ever comes a time when these lands can be sold for ten dollars they ought to be sold. There may come a time when we can't get ten cents an acre for them. If there comes a time when they can be sold for ten dollars they ought to be sold.

Mr. COFFEEN. I don't wish to discuss this question any further than to ask will the lands granted to the territory ever bring more than ten dollars?

Mr. BURRITT. If he can pick out one section on the public land grant that would bring ten dollars an acre I would like to see it.

Mr. CAMPBELL. If these lands are sold for ten dollars an acre the man would have a good suit against the state on the ground of false representation as to their value.

Mr. SMITH. I know of some lands that I would like to buy for one hundred dollars an acre.

Mr. CHAIRMAN. The question is on the motion to insert before the word "such" the words "after fifteen years." All in favor of the amendment will say aye; contrary no. The noes have it; the motion is lost.

The question is now on the motion to strike out the word "shall" and insert the word "may." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. CLARK. I have an amendment which I wish to offer to this section. That would more properly come in two amendments, and I want to state the object of the amendments before offering them. In the western part of the territory a great many people have settled on these school lands, in some cases long before the government surveys were run. They live there and they own improvements on the land, and this amendment is offered for the protection of those who have made actual settlement and improvements upon these school lands, and is for the purpose of giving them a previous right to purchase. The amendment is this, and I offer the two as one: To insert after the word "bidder" in the sixth line the following: "After having been duly appraised by the land commissioners at not less than three-fourths of the appraised value thereof." And after the word "acre" in the seventh line "provided, that in case of actual and boda fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres, at a sum not less than the appraised value thereof, and in making such appraisement the value of the improvements shall not be taken into consideration." I will state that I am not at all particular what course is taken to arrive at this result, but I believe the result sought is a just one, and should be placed in here in some way in regard to the regulations of the sale of public lands.

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment is adopted.

The question is now on the latter part of the amendment offered by Mr. Clark. Are you ready for the question?

Mr. SMITH. I don't know as I quite caught the amendment when it was read, but I don't think it covers the ground. They should have the right to purchase immediately after the adoption of this constitution.

Mr. CLARK. I go on the principle, Mr. Chairman, that not an acre of this land ought to be sold without an appraisement by the properly constituted authorities of some kind. No man, or body of men, ought to be allowed to sell these lands before they have been apprised, and I judged, on writing the amendment hurriedly, that the proper persons to make this appraisement would be the land commissioners, and if made and honestly made, then not an acre of the land ought to be sold for less than three-fourths of the appraised value, no matter whether it is worth five or ten, or five thousand dollars an acre, as it might be in Rawlins, at least three-fourths of the value ought to be realized, and I went on the assumption that many bona fide settlers, and they should be given the preference right to buy, but they should not be given the right to purchase at less than three-fourths of the appraised valuation, if it should be appraised they would probably be glad to pay the full value of the land. The intention of it is they can buy it at auction or private sale either.

Mr. GRANT. I am heartily insympathy with Mr. Clark's proposition. In making rules for the leasing of school lands we attempted in that to protect the settlers by giving them the preference, and I would like to see this carried out, so they can be fully protected, if we can get at it in the proper way. Generally the man who settles on the school section is a poor man. He can afford to pay what the land is actually worth. The man who has land all around him may be able to pay for the sake of that land three times the value of the land, and what it is worth, and thus freeze out the poor settler, or the man who has made a home.

Mr. TESCHEMACHER. I only wish to show from my own personal knowledge how this would work. Before this territory was organized and before the land was surveyed at all, Mr. Hunton, an old resident of this territory, took up a homestead claim on the Chug. When the land was surveyed his claim was found to be on Sec. 16, consequently it was school land. Mr. Hunton went to the land office and asked them if they would not allow him, under the law, to relinquish that homestead and take up another. They refused to do it, having no right in the premises, they could not do it, so Mr. Hunton kept the land. He put his improvements there, he built his house there, and he lived there for ten or twelve years. The land on the Chugwater has increased somewhat in value, and it has become quite a valuable place. When the government gave the right to lease these lands the county commissioners fixed the value of the land at thirty dollars an acre, which Mr. Hunton had to pay. He had his home there, he had built a fine house, and a fine stable, and ditches and improvements that had cost him his money, and it does not seem to me fair. That is a case that occurred in my own experience, and it might have occurred to a great many old settlers here, and although I understand that Mr. Grant will say this does not apply to school sections at all, it does not matter a bit in the application of the argument. Some poor man today may have settled on unsurveyed land, may have settled on capitol building lands, or the other buildings they have appropriated land for, and it does not seem just that that man should be obliged to pay more than the actual value of the land. He has put in his time, his money, and why should another man come in and buy up all his improvements over his head? It seems to me a plain case of injustice.

Mr. HOLDEN. I think the state should be as generous in this matter as the United States has been. They provide by law where a party settled upon unsurveyed land that when this land shall be surveyed that the man who settled there before the survey shall have the prior right to buy. In that case the settler has ninety days to perfect his entry, and it seems to me the state should be as generous as the United States has been. Now, I know myself of quite a number of cases where parties have settled on school lands, sixteen or thirty-six years ago. They have made valuable improvements, some of them are of a character they could not remove, irrigating ditches for instance, and it seems to me that the board of appraisers should seek to make the value of these lands so that the party residing there should have the prior right to buy at that price. It would be an injustice to deprive these men of that right.

Mr. HOYT. It is very clear that people who settle before the survey is made should be protected, but I think under the United States statutes persons who go upon the school lands are treated as trespassers, and I have always understood that they had no special privileges. I am told that when the lands which now constitute Indian reservations are thrown open for sale the persons occupying them have no privileges. I think there should be a distinction between those who went upon the lands without knowing they were school lands, and those who knew they were. I think that the state is bound to see that it gets the most it can out of these lands, but I think some deference should be paid to those who are already on them.

Mr. HOLDEN. I would like to say that under the laws of the United States now in operation our territory has leased many of its lands. Many parties had made improvements before they were surveyed, and under the regulations adopted by our territorial authorities, the preference right was given to those who had occupied those lands and improved them, and now believeing that they would have the prior right to buy secured to them, they have gone on and made valuable improvements there. Now should they be deprived of their labor to this extent? I think not. They have leased these lands and pay all that the county commissioners require them to pay and will do so until such time as the territory will permit them to buy them.

Mr. CLARK. I just want to say a few words, and then I'll promise not to say anything more, until it comes to a vote. There seems to be some misunderstanding as to the object of this appraisement. The object of this is to cause the lands to bring a higher price. In the absence of any appraisement, as this section would stand, the lands could be sold for ten dollars. It would be a very easy matter for three of four men to get together and keep the price of the land down to ten dollars, agreeing that none shall pay more than ten dollars, one to take his piece and another his, and the school fund defrauded, but the land if we put it in the hands of these commissioners to appraise, they will appraise at what they believe it worth, and if they believe it worth two hundred dollars an acre, it cannot be sold for less than a hundred and fifty dollars an acre. This appraisement is to be made so that the land will bring a higher price than it would have otherwise done, and I would say further that I believe a man who goes upon thirty-six, or upon any section of government land, and makes himself a home there under the mistaken idea of his rights, even though he be a trespasser, is entitled to some rights. I have seen a great deal of distress and wrong, as I consider it, done within the last year by that mistaken idea. The Union Pacific railroad company owns a great deal of land near Almy and Bear River. It has been understood and given out, not by the railroad authorities themselves, but as a matter of common rumor and common belief, that the parties who leased that land in years gone by should have the first right to purchase it at an ordinary price, when the Union Pacific should put it on the market. There was no authority for that statement, the officials of the Union Pacific railway company, so far as I know, never said that that should be so, but it was generally understood among the people. Now this land came on the market, and what was the result? The result was that the land was sold in townships. A man had settled upon 160 acres, who perhaps had been paying rent for that land, and had improved it, and made two spears grow where none ever grew before. He could not afford to buy a township of land, but the rich land owner was the man who came in and at the rate of one dollar and a quarter bought up a whole township of railroad land, became possessed of this man's improvements, became possessed of the result of this labor for years, and there is absolutely no redress for him. Now, he had no right perhaps to think that he would be entitled to the first right to buy, but he did think so, and he improved the land in good faith, with the intention of making it a home. On thirty-six at Almy, a portion of it is a valuable section. It comes right up close against the quarries, and the section is already largely built upon by miners and those connected with the mines, and why? Because it was the only place there that could be made a home. The Union Pacific railroad, or the Central Pacific, would not sell them a lot upon which to build a house, or a cottage, and the consequence is that thirty-six and a portion of others is covered over with dwellings, homes of people engaged at the mines, and they have improved that section, and a portion of it, the part lying near Bear river, is quite valuable, I am informed that the county commissioners in fixing the valuation of that, fixed it at the rate of two hundred dollars an acre, because it is cut up into lots of one-quarter pieces. These people are entitled to some rights, and they are entitled to some protection. If the land is worth two hundred dollars an acre, the appraisers will appraise it at two hundred dollars an acre, and if these men want to purchase their homes they can purchase them at the rate of two hundred dollars an acre. I believe that the amendment is just and right; I believe it is proper and I think it ought to prevail.

Mr. SUTHERLAND. I am in favor of the amendment. It is generally understood by these people who have settled upon these lands, that if this land comes to the state they will have the first chance to buy it, and if the land is appraised I am sure it will give general satisfaction. Mr. Clark says there was no agreement with the Union Pacific in regard to its land. There was. Walter Singley, who was managing it, made an agreement that when this land was put on the market that each of the settlers should have the preference right to purchase, but in that case every person with whom I am acquainted, who had settled on school lands, really understood when we become a state he will get the preference above all others.

Mr. JOHNSTON. When the United States survey is made I belive notice is given that section sixteen and section thirty-six are reserved, for the purpose of creating a school fund. I think that that reservation of these sections was justly made. That it was with the intention that they should increase in value by settlement around it, and I believe that the school fund is entitled to this increase in value, and that the lands should be sold to the highest bidder.

Mr. GRANT. That will probably be the case under this, and I think that the settler ought to be protected, and I think he ought to have the preference, and at an appraised valuation, on three-fourths of it.

Mr. RUSSELL. Unless this is amended for our protection, it leaves it open for the sacrifice of the homes and dwellings of over fifty of our citizens in our town who have built on a half section of school land. I myself am located on the same piece of land, that is where we have built our homes, our cottages, and our dwellings and surroundings, and fifty of the workingmen of that town are so located. The county commissioners went to work and offered it for rent, and fixed the valuation at fifty dollars a lot, and we pay that rent on that valuation, at the present time, but if that was put up to the highest bidder, a speculator might come in, and buy up all that land, and then if he wanted to make money on the transaction, he could fix the rent very high, not because of the value of the land, but because of the fifty houses on that land, and unless we came to his terms of rent we would have to move off our dwellings, and for this reason we would be compelled to pay a pretty high rent rather than move our dwellings, and I think we should be protected from anything of this kind occurring.

Mr. POTTER. The same thing occurs in the northwestern part of our city. There are thirty or forty people located on part of a school section now.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Uinta. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted.

Mr. BROWN. Another thing that ought to be thought about. Now suppose that the United States donates to the state a large amount of land how is it to be selected? It has occurred to me that we ought to have some provision in this bill providing that it shall be selected in equal proportions as nearly as practicable from the different counties of the territory, so that the men who might be appointed to select this land could not select it all in one place, in the interest of some single portion, but so that it shall be distributed around through the territory generally. There ought to be some restriction in this bill to prevent them getting it in that way.

Mr. HOYT. It is for our interests to have these lands where they have the greatest value, regardless of the portion of the territory where they are found. The university lands have been selected according to the best judgment of the men appointed, so as to yield the largest proceeds to the university fund, and it strikes me that is the true principle. They are to be located in the interest of the fund, and not of localities.

(Reading of Sec. 2.)

Mr. SMITH. I move to strike out in lines five and six the words "and for the erection of a capitol and other public buildings. Leave that out and let the legislature say how it shall be done.

Mr. CHAIRMAN. The motion is not seconded.

(Reading of Sec. 3.)

Mr. CHAIRMAN. Any amendment to Section 3?

MR. SMITH. I move to strike "judicial" out in the third line.

Mr. CAMPBELL. Second the motion.

Mr. CHAIRMAN. It is moved tha the word "judicial" be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BURRITT. I would like to inquire if commencing with the defining of the crime of embezzlement, that last clause with reference to evidence, is exactly a proper one in there? I have not examined it, but it looks to me as if it goes down into the laws a little finer than a constitutional provision requires.

Mr. CHAIRMAN. I would state to the committee that as an additional suggestion to the one made by Mr. Burrittt, that another portion of that section reading "or otherwise than in the name of the state of Wyoming, or shall deposit in any banks or with any person or persons," and other portions of the section also come under the last clause. It does not only refer to the latter part of it, as suggested by the gentleman from Johnson.

Mr. MORGAN. I move to strike out the word "suitable."

Mr. SMITH. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the word "suitable" between "pass" and "laws" be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. HOYT. I move to strike out the word "charge" and insert "require," "shall require."

Mr. CHAIRMAN. It is moved to strike out the word "charge" and insert the word "require." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out and insert prevails.

Mr. BURRITT. I move to strike out all after the word "felony" in the fifteenth line. It strikes me it is not a proper provision. It looks a great deal like the old proposition of a man being found in possession of an animal which did not belong to him, it was found with another man's brand upon it, and that should be prima facie evidence that the other man stole it. I see no reason why the ordinary rules of evidence should be changed for the protection of this fund. That should be safe enough under the laws that have stood five or six hundred years.

Mr. POTTER. I move to strike out all ofter the word "them" in the seventeenth line.

Mr. CHAIRMAN. It is moved and seconded that all after the word "them" in the seventeenth line be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

(Reading of Sec. 5.)

Any amendments to Sec. 5?

Mr. MORGAN. I move to strike it out.

Mr. CHAIRMAN. It is moved and seconded that Sec. 5 be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. As many as favor the motion to strike out will rise and stand until counted—9. Contrary will rise—9. The motion to strike out is lost.

(Reading of Sec. 6.)

Mr. BURRITT. I move to strike it out; all of it is in the educational bill.

Mr. CHAIRMAN. It is moved and seconded that Sec. 6 be stricken out. All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BROWN. I want to offer an amendment to Sec. 5. We have already passed an amendment to this bill which gives parties who settle upon the land certain previous rights, and I propose to insert after the word "privileges" "except a previous right to buy, as in this constitution otherwise provided," or perhaps it would be better to have the clause at the beginning of the section.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to amend prevails.

(Reading of Sec. 7.)

Mr. CHAPLIN. I move to strike it out.

Mr. BURRITT.. I move to amend the amendment of Mr. Chaplin by striking out all of it down to the "provided however" clause.

Mr. CHAPLIN. I second that motion.

Mr. CHAIRMAN. It is moved and seconded that Sec. 7 be stricken out down to the words "provided however." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. POTTER. In order to make this clear I think we will have to make an amendment; to insert after the word "income" the words "perpetual school fund," strike out aforesaid so as to make it clear.

Mr. CHAIRMAN. Gentlemen you have heard the motion. Are you ready for the question? All in favor of the motion to strike out and insert will say aye; contrary no. The ayes have it; the section is so amended.

Mr. COFFEEEN. In Sec. 2 I move to strike out all after the word "source" in the third line. I will state my reasons for striking this out. If you want to use any of the moneys arising from the sale of lands, and it has already been argued on this floor that you must reserve the right to sell some of these public lands so that certain institutions may be built, but if you do not strike that out you can only build with the interest accruing, which would preclude the building of any institution.

Mr. POTTER. I think you will see by the senate bill that the grant of land is put in that way, for the erection of a capitol and other public buildings," and put in no other way, and not granted with the income only.

Mr. SMITH. The senate bill is not the law. And if you pass it with a provision like that in it you cannot use the money at all, but the income must be applied.

Mr. CHAIRMAN. Gentlemen, you have heard the motion of the gentleman from Sheridan, to strike out all after the word "source" down to and including the word "unsold." Are you ready for the question? All who are in fa- of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails. Any further amendments to the file?

Mr. JEFFREY. There is one portion of this last section, Sec. 7, which is not clear to me. There are several school funds and it seems to me it should be designated just what fund it means. It reads "added to and become a part of the school fund." It is not quite clear to me what school fund it is, and I therefore move to insert the word "said" before the word "school."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment offered by the gentleman from Laramie, Mr. Jeffrey, will say aye; contrary no. The ayes have it; the amendment is adopted. Any further amendments to the file?

Mr. POTTER. I desire to offer an amendment to be added as another section to this file, although this may not be the proper place for it. "The legislature shall have no power to change or locate the seat of government, the state university, but may after the expiration of ten years after the adoption of this constitution provide by law for submitting the question of the location of the seat of government, the university or other public institutions, located at the adoption of this constitution, to the qualified electors of the state, at some general election, and a majority of all votes cast upon said question at said election shall be necessary to determine the location thereof. Provided, that for ten years, and until the same are respectively and permanently located the location of the seat of government and university shall be as follows:

"The seat of government shall be at the city of Cheyenne, and the state university shall be located at the city of Laramie."

As to the poor farm and deaf and dumb asylum my idea of it was that that should be left to the legislature, and not permanently located. So far as the deaf and dumb asylum is concerned I have not talked with many here regarding it, but I did talk with some of the gentlemen about the poor form and their ideas agreed with mine. I am not particular about either of them, however, and if any better method can be devised I am ready to accept it. I don't desire to cut out the poor farm or the deaf and dumb asylum, if anyone wants to insert them in this bill and include them with the rest.

Mr. FOX. I think that ought to come in under public buildings.

Mr. SMITH. If we become a state the government will probably turn over the penitentiary at Laramie to the territory, and we don't want two penitentiaries, and the one at Rawlins might be turned into something else, and there ought to be a provision that that can be done.

Mr. TESCHEMACHER. The file in regard to public buildings has not got out of the hands of the committee as I remember it, and I would much prefer that this be added as an additional section there, and therefore, Mr. Chairman, I move we go back and take up the file on public buildings and have it amended.

Mr. CHAIRMAN. Gentleman, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. We will now go back and take up the file on public buildings.

(Reading of Mr. Potter's amendment.)

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Laramie, Mr. Potter. Are you ready for the question?

Mr. TESCHEMACHER. I would like to ask for information. Would it not be a good plan to state the names of the counties where these institutions are located? There may be another Cheyenne or another Laramie in ten years. I therefore move to amend by inserting the names of the counties in which these various public buildings are located.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. I wish to ask for information. It is a little difficult to know just how these matters stand, not having a printed file before us. As I remember it, it says that after ten years the legislature "may." The question is just this: Could the legislature thereafter make a permanent location without submititing it to the people, of other institutions than those specially mentioned.

Mr. POTTER. I desire to add a provision to that as follows: Provided, that any state institution whatever that was heretofore located shall become the property of the state, and may be managed by the state as the legislature may prescribe by law." Our deaf and dumb asylum and the Fremont poor farm, the legislature would provide as to those.

Mr. PRESTON. You don't need to get into any muddle on account of the poor farm in Fremont county. We don't care how soon it is moved, we never cared for it at all. The convention need not be disturbed about that, because it does not bother us a bit.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Potter. Are you ready for the question?

Mr. COFFEEN. The suggestion made a moment ago, touching the question whether or not they would have power to locate other institutions permanently as they may be formed? If the legislature has that power I would like to know it, and to make sure I will move to strike out the words "other public institutions" and insert the names of the institutions not named.

Mr. CHAIRMAN. The motion is to strike out the words "or other public institutions" and insert the words "the insane asylum at Evanston, and the penitentiary at Rawlins." Are you ready for the question?

Mr. BROWN. I don't like that now and I will state why. I think there has been more corruption in legislation, more corrupt trades, more infamous deals instituted in legislative bodies on the location of these public institutions than has ever occurred in the legislature in any other way. I do not think this covers the purpose it was intended to have been framed for; this provision creates just this kind of business and provides for it, for deals and trades in legislation. Now in order that that may be prevented, in order that there shall be no log rolling, in order that towns throughout this territory shall not pay men to come before the legislature and log roll to get its share of public institutions erected at some particular place, let us provide that the legislature shall never locate them at all. They may provide by general law for their erection, they may create a law providing for the construction of the buildings, the character of the institutions, but where their location shall be shall be submitted in every instance to a vote of the people of the territory. If you can get a provision together in that way I will join you most heartily.

Mr. POTTER. I would like to add this amendment: "The legislature shall not locate any other public institutions except by general laws, and by vote of the people."

Mr. CHAIRMAN. The question is on the motion to strike out "or other institutions" and insert the insane asylum at Evanston, and the penitentiary at Rawlins." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The question is now upon the amendment as offered by Mr. Potter. "The legislature shall not locate any other public institutions except by general laws, and by vote of the people."

Mr. BURRITT. I simply desire to requst all members of this convention who are not members of the coming legislature, before they vote for this provision in the shape they have got it now, to be on hand next January to prevent the establishment of all sorts of public institutions all over the territory of Wyoming.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the amendment offered by Mr. Potter will say aye; contrary no. The ayes have it; the motion is adopted.

The question is now on Sec. 24 as amended.

Mr. SMITH. I desire to offer the following, to follow after the sentence regarding the penitentiary at Rawlins: "But the legislature may provide by law that the said penitentiary may be converted to other public uses."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. I would suggest another amendment, now that we have put in the insane asylum and penitentiary; the first part of this ought to be made to apply to them all as well as the capitol and university.

Mr. BURRITT. I now rise to make a motion I started to make when this thing first commenced. I move that when this committee rise it report this whole section with the amendments back to the convention with the recommendation that it be referred to Committee No. 7 with instructions to bring in a properly formulated provision.

Mr. BROWN. That probably would be the best thing to do, to let the committee formulate a section which will cover the ground perfectly. I will second the motion of the gentleman from Johnson.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. RINER. I move when this committee arise it report back this file 86 to the convention with the recommendation that it do pass as amended.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The next file is File No. 87, coal mines.

(Reading of Sec. 1.)

Mr. JOHNSTON. I move to strike out the words "proven by law." I don't think that is necessary.

Mr. HOPKINS. I want to explain that. It is customary under the mining laws to have this person who is the mine inspector to go about and see that the laws governing mines are carried out, examined by a board of mining engineers and miners to see that he is competent. The object is that the man shall be a competent man; that is the meaning of that.

Mr. RINER. I move to amend by adding the words "in the manner provided by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment prevails.

(Reading of Sec. 2.)

Mr. SMITH. I move to strike out the words "and equitable."

Mr. CHAIRMAN. You have heard the amendment. Are you ready for the question. All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted.

Mr. COFFEEN. The first line of this section reads "the legislature shall provide by law for the proper mapping of mines, etc." It appears to me that if the state had to go into all the expense of doing that, it would cost a great deal. "Shall require" it seems to me would better. Does not that make the legislature responsible for it, saying that it "shall provide?" I don't know about it, but it strikes me that way, and I just call attention to it.

(Reading of Sec. 3.)

Mr. RUSSELL. It often occurs in this territory in the development of small mines that the persons doing that development may not be able to employ high priced clerical help, and so he employs this means of having his clerical work done, he employs boys or girls to do it. But in order to cover the case of their being employed in the mine, they would have no business to do this work unless this proviso was put in there.

Mr. BROWN. Is there any necessity for such a provision at all?

Mr. RUSSELL. I think so. The legislature, I believe, has said that fourteen years is young enough for any boy to be put to work in a mine. This is only a portion of the present law, and I think should be incorporated into the constitution.

Mr. PRESTON. I move to strike out Sec. 3.

Mr. RUSSELL. I would like to ask the gentleman, before this is put to a vote, whether he has got any reason for making this motion? I don't think the gentleman ought to make it, unless he has sufficient reason for doing so.

Mr. PRESTON. My reason is that I believe that what Sec. 3 intends to cover is a matter to be left entirely to the legislature. So far as boys under fourteen years of age are concerned, I think that is a matter entirely for the legislature, and as this convention has delegated to women the right to vote, she ought to have the right to dig coal if she wants to. It is a matter entirely for the legislature, and not a matter for the constitution.

Mr. MORGAN. I think the subject is a proper one for the legislature and for the constitution too. It is proper to restrict the legislature, it is proper to say right here that no boy shall be permitted to go into a coal mine to work, and there is nothing wrong about our putting it into the constitution that I can see. Colorado and Nevada and other states have this same restriction, and I see no reason why we should not put it into our constitution.

Mr. RUSSELL. I will state that it is in the constitution of Colorado, you will find it there, but instead of being fourteen years it is twelve.

Mr. HOYT. I will ask the gentleman if he does not think that instead of fourteen it should be a higher number? Fourteen years seems to me a very youthful age for a person to go to work in a coal mine.

Mr. HOLDEN. It appears that the legislature deemed this provision necessary. I find on page 440, Sec. 1,654, the exact language of this section contained in our statute. I presume if it was not deemed necessary it would not have been placed there.

Mr. CHAPLIN. I move to amend this section by striking out the words "or about."

Mr. COFFEEN. I prefer the section as it stands. There are cases in our own county where children are made to work out in the dust and dirt sorting out the coal from the dust, for ten and twelve hours, and small children at that. I think the more you study this the more you are convinced that the section is right, and ought to be carried.

Mr. RUSSELL. In our county there are cases where the children work about the mine and help their fathers support the family, and I believe it would be wrong to deprive them of the right to work about these mines, when the wages that they will earn will be a great help.

Mr. CHAIRMAN. The question is on the motion to strike out "or about." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question now recurs on the motion of the gentleman from Fremont, to strike out the entire section. All in favor of the motion to strike out will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. RINER. I move to strike out the word "fourteen" and insert "sixteen."

Mr. CHAIRMAN. It is moved and seconded that the word "fourteen" be stricken out and the word "sixteen" inserted in lieu thereof, Are you ready for the question?

Mr. HOPKINS. I wish to say something in regard to this matter. Miners proverbably have large families, and some of them have large families of girls, and they may have one or two boys in the family. It is a struggle for existence for these people. If there is but one working member in a family of ten or eleven it is a difficult matter to get along, and I question the advisability of preventing a family of that kind from obtaining the benefits which might accrue to them from the help of a younger son. He has in the interim of idleness which occurs in every mine, he has an opportunity not only to help his father earn some money, but also get proper schooling, and that I take it is the only thing that is aimed at in this age question, that is they should have proper schooling.

Mr. RUSSELL. I believe that fourteen years, in our statute, is the highest in this country, or in any other, and I think it is sufficiently high.

Mr. HOLDEN. I move to strike out the word "coal" in the second line.

Mr. CHAIRMAN. It is moved and seconded that the word "coal" in the second line be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BROWN. I move to strike out Secs. 2 and 4 of this bill and insert in lieu thereof the following: "The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this state."

Mr. CHAIRMAN. The question is on the amendment offered by Judge Brown. Are you ready for the question?

Mr. COFFEEN. I don't think that is right. I think I have heard those interested in this subject of mining say how difficult it was to get a mine inspector appointed and secured by legislation, and if that is so I would like to see to it that this constitution shall see to it that there shall be.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the motion to strike out Secs. 2 and 4 will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 5.)

Mr. BROWN. As to that section I want to ask if we have not passed a section that is exactly the same as this, and this becomes unnecessary because of the section already passed covering exactly the same grounds? If I am wrong about it, I will not move to strike it out, but is it necessary to include it in this file?

Mr. TESCHEMACHER. We have passed almost the same thing somewhere.

Mr. HAY. I would ask if it was not in the file on corporations?

(Reading of Sec. 6.)

Mr. CHAIRMAN. Any objections to Sec. 6? The chair hears none.

(Reading of Sec. 7.)

Mr. FOX. I move to strike it out.

Mr. CHAIRMAN. It is moved and seconded that Sec. 7 be stricken out. Are you ready for the question?

Mr. HAY. I hope the gentlemen will consider before they move to strike that out. We certainly look forward to the development of our mines as our greatest resource, and the office of state geologist is one of the most important we can have. There might be some delay in having that office created by the legislature, and I believe this office is as important as the state engineer and others we have created, and I believe that six years has some arguments in its favor, provided we get a good man, and he does his work; while if we have a two years term he barely gets acquainted when he is removed and somebody else appointed. I think we are pretty well fixed now. Besides that the short term would cost more than the long term. It would be an object to a man to work cheaper if he was to get it for six years instead of two years. He could afford to work cheaper. It takes him two or three years to get familiar with his work, and I think six years is better than the shorter term.

Mr. FOX. I made this motion to strike out because I think we will have all the expense we can bear in this state, and my experience is that geologists have been a useless expense. I have yet to have the first geologist tell me anything beyond the expression of an opinion. I don't think he can tell us anything but what we know at the present time. And I think we can dispense with it.

Mr. HAY. A good geologist can tell us a good deal. The advertisement of a good geological report would be worth ten years salary to us. If we can get a good report of our mining resources, and what the prospects of mining are, it would be worth his salary and a good deal more.

Mr. COFFEEN. I hope this will not be stricken out, as I am very much in favor of anything that will educate and inform the people, and this is one of those things. Since I have been here I have seen nothing that tends more to show the resources of our entire territory than the exhibits of our geologist at the fair, and if any of you will take the trouble to visit the geologist's room here you will be rewarded. I say I have seen nothing which will set forth our resources and promote their advertisement and development as the exhibits and information which our geologist can give us. There are many reasons why this should not be stricken out.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes seem to have it; the noes have it. The motion to strike out is lost.

Mr. BROWN. I will now renew my motion to strike out Sec. 5.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 5. Are you ready for the question? All in favor of striking out Sec. 5 will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BROWN. I move when this committee arise it report back this file on coal mines with the recommendation that it do pass as a part of the constitution.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is adopted.

The next thing on the general file is substitute for Files 5, 6, 10, 23 and 64, elections and qualifications to office.

(Reading of Sec. 1.)

Mr. CHAIRMAN. Reading of Sec. 2. Two and four.

Mr. JEFFREY. I rise to ask for information. Have we anywhere provided for a general election, and the time for the qualification of state and county officers? This is a very important matter and we don't want to overlook it, the committee should have attended to this. As there seems to be some doubt as to whether we have provided for this or not, I desire to offer the following as an amendment to be inserted as an additional section to this substitute:

"All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming shall be held on the first Tuesday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.'

Mr. CAMPBELL. I would move to amend that by making it the first Tuesday next following the first Monday in November.

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment is adopted. The question is now on the adoption of this section as Sec. 5 of this substitute. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted as Sec. 5 of this file. The secretary will read the next section.

(Reading of Secs. 1, 2 and 3, qualifications to office.)

Mr. POTTER. I move to strike out all after the word "fidelity" in the fifth line of Sec. 3.

Mr. HAY. Second the motion.

Mr. MORGAN. I hope that this convention will hesitate before they strike out the last part of this section. It is there provided that men shall take an oath that they will do what they ought to do, and that they have not obtained their office through corrupt means. They are entrusted with certain rights and privileges belonging to the people, and I think the people have a right to require them to swear on their oath they will protect these rights and privileges. If he has used fraudulent means to obtain his office, I think the people ought to know it; this is no insult to any man, and I sincerely trust this convention will not strike it out.

Mr. POTTER. I have just a word to say on this subject. I don't object to the principle of the last part of the section at all, as Mr. Morgan seems to think, I don't object to that, but my idea is that the ground is all covered by what goes before. If a man can swear that he will discharge the duties of his office with fidelity, and then receive that which he has no right to receive as compensation, or as a bribe, I can only say that he has a very convenient conscience, for we know that would not be discharging the duties of his office with fidelity. Now we expect to provide laws by which it will be impossible to secure office in this way that is the best way to do it. If he has been elected and violated that law, he can be prosecuted the same as any other person, but how many men that have been elected, that have violated the election laws, would refuse to take this oath? I venture to say that very few people would have the courage to say they had violated this law, and they would take this oath. They have violated the law and are subject to its penalties, and when they take this oath they add to their crime, the crime of perjury, and we make them do that by law, and I believe it is an insult, and I believe that which prompts this kind of thing is a matter purely of sentiment, and I have no hesitation whatever in opposing such a provision, not that I believe in buying your way into office, because I believe that it one of the greatest of crimes, and we ought to make our laws so strong that they cannot buy their way, but because I don't believe this oath would do any good. They have this same thing in the state of New York, I think it is in precisely the same words, and everybody knows that there is in the city of New York a more corrupt condition of affairs on election day than any other place in the union. This does not make it any purer, or take money out of our elections, I don't believe it will accomplish the purpose intended. The principle is all right, to purify elections, but I don't think this will do that.

Mr. MORGAN. I have been ashamed and every member of this convention has been ashamed of the charge heard up and down the streets of corruption at elections. The gentleman from Laramie thinks this will not make it any purer, will it make it any worse? Can it be any worse, if the charges are true? Let us put a stop to it, and this oath will do it, because as it is now a man buys his way into office and there is no way to reach him. If I should do wrong, buy my way into office, and violate this oath, somebody would know it, and somebody could have me thrown out of office at once. That has been the case in other states, this is for the purity of elections. Hours could be spent in giving reasons why this could pass, why this should pass. Let us purify our elections. If they buy their way, let them take the risk of indictment, let them know that they must take this iron clad oath and they will be very careful about buying their way in this state. It works well in other states, and will harm nobody that is sure.

Mr. HAY. I just want to say a few words about this. I think this is an unjust and useless insult to the people we elect, and also a very bad advertisement to the outside world. If we have not confidence enough in the men we elect to trust them without their having to take an oath of this kind, I think we ought to quit the business right now. There has been an immense amount of vile language used here with regard to the legislatures of this territory. I have been more or less familiar with our legislatures for twenty years, and I don't believe in any one instance there has been a legislator bought, that is, paid by personal benefits to himself. I will admit there has been more or less trading among the county delegations, but all through my acquaintance with the legislature, I don't know of a single one that has ever been charged with having been bought, that is with personal benefit to himself, where money has been offered and received for his vote, for any influence that he might have because of his place in the legislature.

If this will stop all that it is said it will, stop all corruption at elections, that is another question. I don't say there have not been votes bought and sold at elections, but I think there is another way to reach this. I think by decreasing the immense pay our county officers receive, and ceasing to make an office so desirable, and they will also not have so much money to spend, I think that would reach it better. I say that the man who would buy a dozen votes won't hesitate to take an oath of this kind, and will cover up his tracks after he has taken this oath as before. I never was a member of the legislature, and never expect to be, but at the same time I think that the amount of abuse that the legislature has received at the hands of this convention is perfectly outrageous, and uncalled for, and to insist on members of the legislature, making them take an oath of this kind, is an unnecessary and useless insult. I think we cau reach the object desired in some other way.

Mr. SUTHERLAND. If this will accomplish what it is placed here for, I would vote for it, but I don't know that it will. I am ashamed of the amount of corruption funds which have been used throughout Wyoming, and for us to try to smooth it over, and uphold our past legislatures, we cannot do it, as honest men. If this don't accomplish what we want I am ready to vote it down. And let us vote on something that will. These large corruption funds with which they buy votes on election day, if Mr. Hay is not acquainted with them, if he will come up to Sherman, I will show him and open his eyes.

Mr. TESCHEMACHER. I was only going to remark that this was taken from the Pennsylvania constitution, and to ask whether or not the corruption there, although I don't know anything about it, but so far as what is said is concerned, to ask Mr. Morgan has it prevented this sort of thing, because the legislature of Pennsylvania is said to be purchased every two years.

Mr. SMITH. As to how corrupt the legislature is I don't know as it cuts any figure here, I don't know anything about the Wyoming legislature, I have not thought about it very much. I don't know anything about it, but that there is corruption so far as politics is concerned, and that to an almost unlimited extent, and we all do know about that. If this will go one step towards improving that, leave it in, whether it will or not it is hard to say now. True, some men who would buy their way into office would take this oath, but a majority will not perjure themselves, if they know they must take this oath; they will decline to run for office, and give some other reason for it, but there are enough honest men who will, and we will find that the office will seek the man and not the man the office, as it is now we hear honest men say they cannot run for office because they cannot afford to spend one-half what it costs now to get an office. But one of the greatest evils in this connection is that the office has paid too much for cheap men, five and six thousand dollars to pay for ordinary clerical work, and that is what it costs in many of the counties in this territory. And I want to say in closing what I said before, that the majority of men will not perjure themselves.

Mr. HOYT. The point referred to last is the point which largely influenced the committee to include this provision. They want simply to put a man to the test who has been elected and used corrupt means to secure his election, he might be willing to swear falsely, but a man who knew he would only get an office through corrupt means would be very loath to undertake the business, if he knew that this oath was at the end of the race. Another point, Mr. Hay speaks of it as an insult. Why is it any more of an insult to take an oath that he has not used fraudulent means to secure his office than to require a man to take oath that he will be faithful?

Mr. CHAIRMAN. The question is on the motion to strike out all after the word "fidelity." Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. All those in favor of the motion will rise and stand until counted—5 .Those opposed will rise and stand —6. The motion to strike out is lost.

Mr. HOYT. I would like to ask whether we cannot make this provision apply to members of congress and United States senators?

Mr. TESCHEMACHER. No, governor, they are sworn in Washington. We have nothing to do with that.

(Reading of Sec. 4.)

Mr. PRESTON. I move to strike it out.

Mr. HOYT. We have just adopted a section which looks to the purity of elections; this simply looks to the purity, economy and facility of their administration; it is but one step further, it would but continue to exert a good influence in the selection of men for minor positions in the administration of the work of the government.

Mr. JEFFREY. I desire to say on behalf of the members of the committee that we desired to give this convention the benefit of everything that was before us. We recommended this to the convention for them to do with it what they should deem fit and proper. Now, as to the propriety of this proposition, I think there can be no serious difference of opinion. It is an object very much to be desired. However, judging from the experience of others in endeavoring to enforce the sentiment of this provision, the results have not been entirely satisfactory. That I presume is the fault of the law, and the fault of the manner in which the laws have been administered. We deemed it our duty, however, to give this to the convention and let them express their opinions upon it.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 4. Are you ready for the question? All in favor of the motion will say aye; contrary no. A division is called for. Those in favor of the motion to strike out will rise and stand until counted—11. Those opposed will rise—10. The motion to strike out prevails.

Mr. HOYT. I believe this would have given us very good standing before the authorities at Washington, it would indicate a disposition toward reform in Wyoming.

Mr. BROWN. I move when this committee arise it report back the substitute for Files 5, 6, 10 and 23 to the convention with the recommendation that it do pass.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. JOHNSTON. I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise. As the report of the committee is very long and it is now very late, I would suggest the reading of the report be dispensed with at this time.

Mr. PRESIDENT. Is there objection to the reading of the report being dispensed with at this time? The chair hears none; by unanimous consent the reading will be dispensed with.

Mr. BAXTER. I move we take a recess until 7:30 this evening.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of taking a recess until half past seven this evening will say aye; contrary no. The ayes have it; the motion to take a recess prevails.

Evening Session.

Thursday evening, Sept. 26th.

Mr. PRESIDENT. Convention come to order.

We were considering the general file at the time of adjournment. A motion to go into committee of the whole is now in order.

Mr. FOX. I move we now go into committee of the whole for consideration of the general file.

Mr. HOYT. Just a moment. On behalf of Committee No. 7 I wish to submit a report.

Mr. PRESIDENT. By unanimous consent the committee will be allowed to report at this time.

Mr. BURRITT. I move it be placed on the general file.

Mr. PRESIDENT. It is moved that the report of the committee be placed on the general file to come up for consideration at the proper time in its regular order. As many as are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I have been instructed by the Laramie county delegation to extend an invitation to the members of this convention to partake of a banquet at the Cheyenne club on Saturday evening, and would like every member of the convention to be present at that banquet.

(Applause.)

Mr. PRESIDENT. I am satisfied from the demonstration made, Mr. Chairman, that the members of the convention will be delighted to accept your hospitality. I can speak for myself, and shall accept the invitation as far as I am personally concerned.

Mr. CAMPBELL. I forgot to add that the president was selected to preside at the banquet.

Mr. FOX. I move that the invitation be accepted.

Mr. PRESIDENT. It is moved that the invitation extended by the Laramie county delegation be accepted. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails unanimously.

Mr. FOX. I move we now go into committee of the whole.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. Will Mr. Elliott take the chair?

Mr. CHAIRMAN. Gentlemen of the committee. I have taken the report of Committee No. 7 on Sec. 24 out of its regular order that we may dispose of that file. If there is no objection I would ask your consideration of that report first. The secretary will read the section.

"The legislature shall have no power to change or locate the seat of government, the state university, insane asylum, or state penitentiary, but may, after the expiration of ten (10) years after the adoption of this constitution, provide by law for submitting the question of the permanent location thereof, respectively, to the qualified electors of the state, at some general election, and a majority of all votes cast upon said question at said election shall be necessary to determine the location thereof, but for said period of ten years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

"The seat of government shall be located at the city of Cheyenne, in the county of Laramie; the state university shall be located at the city of Laramie, in the county of Albany; the insane asylum shall be located at the town of Evanston, in the county of Uinta; the penitentiary shall be located at the city of Rawlins, in the county of Carbon; but the legislature may provide by law that said penitentiary may be converted to other public uses. The legislature shall not locate any other public institutions except under general laws, and by vote of the people."

Mr. RINER. I move this section be added to the file as an additional section of the file, and the file referred back to the convention with the recommendation that it be adopted as amended.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CHAIRMAN. The next thing on the general file is File 89, schedule.

(Reading of Secs. 1, 2, 3 and 4.)

Mr. CLARK. I have only this objection to Sec. 4, there is a portion of it that I am unable to understand. Perhaps the committee can explain. "And all bonds, obligations and other undertakings executed by this territory or to any other officer in his official capacity." That is not quite clear to me.

Mr. RINER. I have an amendment to offer, which I think will improve that. I move to amend by inserting the words "to or" after the word "executed," so it will read "and all bonds, obligations or other undertakings executed to or by."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment prevails.

Mr. JEFFREY. As has already been stated, this was prepared rather hurridly, the chairman was absent several days and the committee did not get to work on it until pretty late. I have a section which properly belongs in the schedule, and I desire to have it inserted in its proper place in the schedule. It is something that ought to have been included in the schedule but was overlooked. "That all property, real and personal, and all moneys, credits, claims, and choses in action, belonging to the territory at the time of the adoption of this constitution shall be vested in and become the preperty of the state of Wyoming."

Mr. RINER. I move that that section be numbered two, and that all the following sections be renumbered.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment prevails. Any further amendments?

Mr. CLARK. I move to strike out the word "other" where it occurs in line five of Sec. 4.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments?

Mr. BURRITT. The word "by" should not be in there.

Mr. CHAIRMAN. If there is no objection it will be stricken out.

Any further amendments?

(Reading of Sec. 5.)

Mr. HAY. The word "now" in the first line ought to be stricken out.

Mr. FOX. I don't see what this has to do with United States officials.

Mr. JEFFREY. That is intended to apply to all the officials holding office until they are succeeded by state officers. The governor, secretary and judges of the district and supreme courts.

Mr. CHAIRMAN. It is moved that the word "now" in the first line be stricken out. Are you ready for the question?

All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BROWN. I desire to make an inquiry of the chairman of the committee. I desire to ask if Sec. 5 is intended to keep the officers in their respective positions until the state officers are elected or appointed?

Mr. JEFFREY. I think that is the intention of the section, wherever applicable.

Mr. BROWN. It occurs to me, Mr. Chairman, that we ought to provide that the governor of the territory, the secretary and other territorial officers, justices of the court, and all county and precinct officers shall hold their offices until their successors are elected and qualified under the constitution of the state.

Mr. BAXTER. I think that could be reached by amending the last line so as to read as follows: "Until the qualification of officers elected as their successors under this constitution."

Mr. BROWN. The provision in some of the other constitutions is that all these territorial officers shall continue to hold their several offices as officers of the state until their successors shall be elected and qualified. I understand Mr. Jeffrey that this was intended to apply simply to the territorial officers. I think it should include all county and precinct officers.

Mr. BURRITT. Sec. 18 covers all that.

(Reading of Sec. 6.)

Mr. POTTER. I move to strike out the word "adoption" and insert "ratification."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. TESCHEMACHER. I think before we settle this thing definitely we ought to give it a little time and thought. Do we wish to have an election next November on this constitution? If we put this in our constitution we will have to carry it out. I merely wish to bring the matter up for discussion. You will notice by the papers for the last day or two that the constitutional convention of New Mexico, which was called in a manner exactly similar to ours, and has proceeded in nearly the same manner, in their schedule provide that their constitution shall be submitted to congress with their petition. If then congress passed an enabling act that a special election shall be held within ninety days, and the constitution shall be submitted for adoption. If on the other hand congress did not pass an enabling act at this session, that the constitution shold be submitted to the people on the first Tuesday after the first Monday of November, 1890, their general election. Now it seems to me that this would be a very wise plan for us to adopt, for if we proceed to have these special elections throughout the territory that means quite a large expense, and we do not know whether this senate bill, which has been favorably reported by the senate, will be passed by both branches of congress, or signed by the president. If it should be passed, then we can within ninety days call a special election, and go into being a state almost as soon as we would under any other conditions. If not passed at this session, we can get the vote on this constitution at a time when we can call out the largest expression of opinion of the people of this territory that we could possibly get. No matter how important the subject at a special election you cannot call out the general vote, as at the general election, when you will get a true expression of opinion of the people upon the work of this convention, and I would move to amend it in that manner.

Mr. HAY. It strikes me that congress would not be very apt to pass an enabling act or take any steps until they found out whether or no the people were going to raify a constitution that fifty-five men make. It seems to me that we would be asking congress to take a good many chances that we are not willing to take ourselves. It seems to me that we will be forced to carry out the plan already started on, and we will mix matters up very much if we attenmpt to deviate from that plan now. Besides we don't know how this New Mexico plan will work.

Mr. CLARK. For the purpose of hearing the matter discussed, I second Mr. Teschemacher's motion. It occurs to me if we call on congress we ought to be prepared to send in our card at least, and this constitution is the best card we can send in, and a large majority in favor of this constitution. I believe with Mr. Hay, of Laramie, that our only hope before congress this winter, or any other winter, is to show congress by our vote that the people of this territory actually want to become a state.

Mr. BROWN. I just want to add that if we should go to congress and they should pass an enabling act ordering an election the people might refuse to adopt this constitution. They would not have the same incentive to accept it whether they liked it or not as they would before congress acted. We are anxious to get in and the people would accept it as satisfactory and adopt it.

Mr. TESCEMACHER. I am not at all stuck on my own motion. I merely brought up this subject to hear the differences of opinion upon it. I knew that New Merico had adopted just such a plan, and it does not seem to me it will have very much influence on congress in admitting us as a state whether they approve of the constitution these fifty-five men have drawn up or not; I mean to say that won't be the main influence that will be considered; they will admit us simply on the ground of our being able to take care of ourselves, and it seems to me that the matter requires a little more consideration than we are giving it.

Mr. HAY. I just want to suggest another thing. According to the first plan the people will only have about thirty days to consider this constitution. Under the other plan they might have six months, and they might not adopt it, after having all that time to study it.

Mr. BROWN. I suppose that each and every member of this convention at least desires that our work should amount to something when it is done. We have spent now almost four weeks in the service of the beloved public, without remuneration or reward, except the reward that comes from the conscience of every one for a duty well done, and I believe we shall have performed our duties well and faithfully when this convention adjourns. Now we want this work to amount to something, and in order to have it favorably considered we must submit the constitution for adoption as early as possible, and when the people of the territory of Wyoming have said by their votes that they are satisfied with the constitution, and that they want to become one of the states of the union, congress will admit us. Senator Stewart, when here the other day, said that if we would prepare our constitution, submit it to the people, have it ratified, and then come down to Washington and say Wyoming wants to be a state, and we will be a state. Now let us go down there in just that way. Let us not go down there to pass an enabling act, we don't care anything about this enabling act, but we want to go down there demanding admission, and when we demand it congress will admit us, and that is the kind of an enabling act we want, I take it.

Mr. POTTER. Upon reflection I believe the word "adoption" is the better word, and I will withdraw my amendment.

Mr. CHAIRMAN. Mr. Potter asks leave to withdraw his amendment. Is there objection? The chair hears none; the amendment is withdrawn.

Mr. TESCHEMACHER. As there is nobody in favor of my amendment evidently, everybody having spoken against it, with the consent of my second I will withdraw it.

Mr. CHAIRMAN. If there is no objection Mr. Teschemacher's amendment is withdrawn.

Mr. HAY. I move to strike out the words "and upon separate articles or propositions."

Mr. CHAIRMAN. The question is on the motion to strike out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BURRITT. I move to strike out the words "or against any article submitted separately."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move to strike out the word "of" in the fifth line and insert "for."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments?

(Reading of Secs. 7 and 8.)

Mr. JEFFREY. There is one thing in Sec. 8 to which I desire to call the attention of the convention at this time, because there was considerable discussion on the subject among the members of the committee at the time this was drawn, and that is as to the length of the time for calling the first election, as to this forty days and ninety days.

Mr. BAXTER. I move to strike out in the eighth line of this section the word "ninety" and insert "one hundred and twenty.'

Mr. MORGAN. Second the motion.

Mr. CHAIRMAN. Gentlemen, the motion is to strike out "ninety" and insert "one hundred and twenty" in lieu thereof. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. Any further amendments to Sec. 8?

(Reading of Secs. 9 and 10.)

Mr. BURRITT. I move to insert the words "of the territory" after the word "secretary."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 11.)

Mr. JOHNSTON. Is it necessary that the legislature should take this oath until it convenes? I would move to amend by inserting after the word "election" the words "except members of the legislature."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. BURRITT. I don't believe that is necessary. As a general rule members of the legislature take their oaths when they are legally convened as a legislative body, and the members of the first legislature of the state would not be officers of the state until they do convene.

Mr. CHAIRMAN. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment is adopted.

(Reading of Sec. 12.)

Mr. BAXTER. I move to insert in the sixth line after the word "legislature" the words "in joint session."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Secs. 13, 14 and 15.)

Mr. BAXTER. Should not there be a substitution of the word "state" on both of these seals? I believe they all bear the word "territory" now.

Mr. BROWN. As I understand it this was simply to provide that these be used until we can procure new ones.

(Reading of Secs. 17 and 18.)

Mr. JEFFREY. The committee desires to present at this time three additional sections covering ground not provided for in the schedule itself.

(Reading of Sec. 19.)

Mr. CHAIRMAN. Is there any objection to Sec. 19? The chair hears none. Sec. 20 will be read.

(Reading of Sec. 20.)

Mr. CAMPBELL. It does not seem to me that is right. If we are admitted in 1890 the next session of the legislature would be 1892, and under this that would have to be omitted, and we would have to go until 1894 until we could have another.

Mr. CLARK. Suppose we go in in July, under this section our next election in November would not be held for two years.

Mr. POTTER. I think to follow out the idea of the committee we should say "that the election that should otherwise be held on the first Tuesday next following the first Monday in November, 1890, should be omitted." I think that will follow out the idea of the committee.

Mr. HAY. I think that would fix it, or you might put in a provision if the time to elapse between the date of admission and the next regular election shall be more than one year that the election shall be held, but not if less."

Mr. TESCEMACHER. Put it in writing, Mr. Hay, so we can understand it.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. All those in favor of the motion will rise and stand until counted—16. Those opposed—2. The motion prevails. Any further amendments?

(Reading of Sec. 22.)

Mr. POTTER. I move to strike that out. I don't believe it is needed.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved that the proposed Sec. 22 be stricken out. The question is on the motion to strike out. Are you ready for the question?

Mr. POTTER. I believe I am against my own motion, and I think I can at last see the meaning of that section. If we come in next year we will have a special session called by the governor next summer. Under our constitution we would have a session of the legislature in January. I think this is to prevent having two sessions of the legislature within three or four months. With the consent of my second I withdraw my motion.

Mr. CHAIRMAN. The section is now offered in this shape. "The regular session of the legislature that would otherwise convene on the second Tuesday in January, 1891, shall be omitted." The question is on the adoption of Sec. 22. Are you ready for the question?

Mr. TESCHEMACHER. I am sorry to discuss this question again, but it does seem to me that you have now provided in case congress does not let us in this winter, under this act, that all the work of this convention was done for nothing. If you do not make any definite date this work would be good until we do go in, without calling another convention. Suppose this is ratified. Just as soon as that is decided and we get in, everything this convention has done is accepted.

Mr. IRVINE. Why should it not be left open, in view of the impossibility of framing a section to fit the case?

Mr. FOX. It seems to me that this could be avoided by saying "Provided the admission of this territory shall be in an even numbered year the legislature then should convene in the next odd numbered year shall be omitted."

Mr. CLARK. I move this section be referred to the committee on education.

Mr. CHAIRMAN. Thegentleman is out of order. The question is upon the adoption of the section. All those in favor of the motion will say aye; contrary no. The chair is in doubt. All those in favor of the motion will rise and stand until counted—16. Those opposed—9. The ayes have it; the section is adopted.

This disposes of File 89, if there are no further amendments.

Mr. POTTER. I move the adoption of an additional section. "The legislature at its first session shall provide for the election of all county and precinct officers, to be held as soon as practicable."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. POTTER. I desire to explain the reason for that section. In this schedule we have provided for an election for state and district officers, and district judges, and the reason we made no provision for the election of county officers was the very evident one that in this constitution we have omitted to provide for any county officers. A section was adopted providing that the legislature shall provide for the various county officers. That is left to the legislature according to our present action, and we have provided for no election of county officers. This schedule provides that the officers of the territory shall hold their offices for their full term and until their successors are elected; this schedule provides that the election next November at which county officers will be elected, shall be omitted, so I offer this section providing that the legislature at its first session, at which it will provide the different county officers, shall also provide for calling an election for those officers. It seems to me necessary that we have something of this kind in the schedule.

Mr. RINER. It seems to me this whole difficulty could be reached without a special election. We have provided here that at the first state election there shall be elected in each county officers for the county, and provide also that they shall not qualify until the expiration of the county officers' terms holding their offices under the territorial law. The only difference would be that the first county officers would have a two year term, whereas the state officers would have two years and a half, and thus we would save the expense of an election. We provide that the state officers shall qualify within thirty days, and we can provide that the county officers shall qualify on the first Monday of January following, as provided by law; at the expiration of the term under the territorial law, but they could be elected at the time of the state election.

Mr. POTTER. I am glad to see the convention is coming to a state of repentance. It may be within the remembrance of some that the very committee of which Mr. Riner was a member, presented a report here upon the counties, and they failed to provide for any county officers whatever. The last section provided that the creation of county officers should be left to the legislature entirely. At that time I offered an amendment providing for certain county officers and leaving the rest to the legislature, but the convention voted it down. I think you are coming to the state of seeing the necessity of providing for certain county officers.

Mr. BROWN. I don't think we want this at all. We have provided that the laws shall remain in force after we become a state. Among the laws of the territory there is a law which provides for county officers, and that law will continue in force until the state legislature shall change it.

Mr. COFFEEN. I think I favor Mr. Potter's amendment, for it provides that the legislature shall not only provide for an election, but shall call that election as early as practicable.

Mr. POTTER. I move this committee now rise, report progress and ask leave to sit again.

Mr. TESCHEMACHER. I move when this committee rise it report this article on schedule back to the committee to bring in something that we can understand.

Mr. BROWN. I rise to a point of order. The motion made by the gentleman to report back to the committee to bring in something we can understand was not only impertinent but was not in order. I now move when this committee arise it report back File 89 with the amendments offered thereto to the convention with the recommendation that it be adopted as a part of the constitution.

Mr. RINER. I move that this committee arise and ask leave to sit again, and that we have the matter of this file referred to the committee for the purpose of preparing a new section to meet this question of county officers. I think it can be done better there than here in committee of the whole.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; File 89 will be referred back to the committee on schedule, with the proposed Sec. 23.

The next file is No. 90, concerning boards of arbitration.

(Reading of the file.)

Mr. RINER. I move when this committee arise it report back this file to the convention with the recommendation that it do pass.

Mr. CHAIRMAN. As many as favor the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BURRITT. I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise.

Mr. PRESIDENT. The secretary will read the report of the committee, and as it is quite long, I hope the gentlemen will give careful attention, so we may get through as soon as possible.

(Reading of the report.)

Mr. PRESIDENT. Gentlemen of the convention, what will you do with the report of your committee?

Mr. JOHNSTON. I move it be adopted.

Mr. PRESIDENT. All in favor of adopting the report of the committee will say aye; contrary no. The ayes have it; the report is adopted.

File No. 86, File 87, and substitute for Files 5, 6 and 64, and File No. 90 will be referred to the committee on engrossment.

Mr. TESCHEMACHER. If possible I would like to ask that these files be considered engrossed, so they can be finally read in the morning. We have got a great deal of work to do, and if possible I should like to have these considered engrossed.

Mr. PRESIDENT. It is moved by Mr. Teschemacher that these files be considered engrossed. All who are in favor of the motion will say say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. There is one matter I think we have been overlooking; the question was raised here the other day on the appointment of a committee on address to the people.

Mr. BURRITT. I move that the president of this convention be authorized to appoint a committee of ten members on address to the people, and also a committee to prepare an address to congress.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. I think that such a committee ought to be appointed tonight before we adjourn.

Mr. BURRITT. I don't see any occasion to wait for the appointment of that committee tonight, it should be carefully selected, and I think it need not be done tonight, as the committee would not do any work before tomorrow.

Mr. CAMPBELL. I move we now adjourn until 9 o'clock tomorrow.

Mr. JOHNSTON. Second the motion.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now adjourn until 9 o'clock tomorrow morning.

TWENTY-THIRD DAY.

MORNING SESSION.

Friday, Sept. 27, 1889.

Convention reassembled at 10 a. m.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Roll call.

Reading of the journal.

Mr. PRESIDENT. Any corrections to the journal as read? There being no objection the record will stand approved as read.

Gentlemen, for a committee to frame an address to be presented to the people with this constituion I have made the following appointments:

(See journal page 102.)

Mr. FOX. I move the president be appointed as one of the members of this committee.

Mr. BROWN. I would be glad if the convention would excuse me from acting however. I am willing to do anything to help.

Mr. HOYT. I think it eminently proper that the president of this convention should stand at the head of the committee to issue the address to the people, and I should be very glad if Mr. Riner will put the motion to that effect.

Mr. RINER. Gentlemen, you have heard the motion. Those favoring the motion will say aye; contrary no. The motion is unanimously carried.

Mr. PRESIDENT. Your unanimity shows your great kindness to your president, and though it makes his labors a little more, I will be glad to serve you in any way I can. I have received the following communication which I will read:

To the President of the Constitutional Convention:

If the duties which now claim the attention of yourself and your colleagues of the convention should necessitate your remaining in Cheyenne over Sunday, the 29th, I would cordially invite the body to attend services at the Methodist Episcopal church, on the 29th, at 7:30 p. m.

Very Respectfully,
S. ALONZO BRIGHT, Pastor.

I have also received a letter that should perhaps receive some attention, signed by R. C. Wylie, Secretary of the National Reform Association, Philadelphia. The matter referred to in the letter concerns more particularly to the preamble of the constitution than most anything else, and without reading it, and without troubling the convention with its contents. and in order to dispose of it, if there is no objection I will refer it to the committee on preamble. Is there objection? The chair hears no objection, and it is so referred. I don't suppose this convention desires to hear it read at this time.

Are there any memorials or petitions to be presented this morning? Any propositions? Any reports of committees? Is there any select committee desiring to report this morning? Final reading. There is upon the general file for final reading this morning substitute for Files 7, 26, 27, 41, 54 and 55, taxation, revenue and public indebtedness. The bill has been engrossed and is returned for final action. Are there any amendments to be made to the file?

Mr. POTTER. My attention has been called to Sec. 10 of the revenue bill, in reference to the depositing of money, and it has been suggested to me that in that section a construction might be given to it which would prevent the state, cities, counties, etc., from depositing their money in more than one bank, and it should be so amended that it can be deposited in more than one bank, of course, getting proper security from the various banks. In order to bring it before the convention I move to amend by adding after the word "bank" the words "or banks," so that it shall read "be deposited in a national bank or banks."

Mr. PRESIDENT. Is there any objection to the section being so amended? If not it will be amended by unanimous consent.

Mr. FOX. I would like to offer an amendment to Sec. 15. I propose to amend this section by inserting after the words "public libraries" "lots with the buildings thereon, used exclusively for religious worship, church parsonages and public cemeteries."

Mr. SUTHERLAND. Second the motion.

Mr. FOX. I think that it is nothing more than right when we send out this constitution to the people of Wyoming, that we should protect our religious properties, and that we should protect our burying grounds, in leaving these matters open we don't know what will happen to them in the future. Some of us have buried our dearest and best friends out in the burying ground, and I think it is no more than right that this constitution should make a provision whereby these places can always remain as a burying ground, and not subject to any provisions that may hereafter take place. It may come round in the future to so tax these cemeteries that they shall be turned into ground. I think as long as we make provision that all property shall be taxed here, it is right and just that we should make this provision in regard to church property. In looking over this convention I think that the sentiment of this convention is in favor of this proposition. If it is left the way it is, it is left in such a position that there is a chance for the opposition to our churches to gain a strong foothold. If that element should get control of our future legislatures they would have it in their power to impose a tax upon our churches, who have all they can do now to struggle and get along, to impose a tax that would close them up, or most of them, and I think it is the duty of this convention to make this exception. For my part I want to place my record in these proceedings in favor of this amendment, and I want to get it before the people of this territory and of this United States. I ask that the amendment be adopted.

Mr. HAY. Second the motion.

Mr. PRESIDENT. The question is on the adoption of the amendment. Are you ready for the question?

Mr. FOX. I call for the ayes and nays.

Mr. PRESIDENT. The ayes and nays are called for on the amendment. All in favor of the motion will say aye; those opposed no. The ayes have it. A call for the ayes and nays is ordered. The question is on the adoption of the amendment of the gentleman from Albany, Mr. Fox. All who are of the opinion that the amendment be adopted will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

Mr. GRANT. It seems to me as that is now it leaves it open to the legislature to exempt any property.

Mr. PRESIDENT. There is no change except that certain property be exempted.

Mr. BURRITT. For the reason that I believe that the constitution should exempt nothing except what is required to be exempted, and the balance left to the legislature to exempt from time to time as it may see fit. I vote no.

Mr. PRESIDENT. Are there any further amendments desired to the file?

Mr. TESCHEMACHER. I wish to change my vote on the question. I thought we were taking the ayes and noes on the bill and not on the amendment. I vote aye.

Mr. PRESIDENT. Gentlemen, your vote upon the proposed amendment is as follows: Ayes, 24; noes, 3; absent, 22. By your vote you have adopted the amendment.

The chair will announce to the convention at this time the committee on address to congress.

(See journal page 102.)

Mr. CAMPBELL. I give notice that I shall, before this convention finally adjourns, call up this question: That the convention select ten members to go to Washington to urge the admission of Wyoming into the union as a state. I make this announcement in order that the convention can look around and see who are the best persons to select to go to Washington.

Mr. PRESIDENT. I suppose the gentleman would not object to including in his motion to appoint such committee that the selection of the members should be made from both political parties.

Mr. CAMPBELL. Certainly.

Mr. PRESIDENT. The secretary will read the file at length.

(Final reading of the substitutes for Files No. 7, 26, 27, 41, 54 and 55.)

The question is on the adoption of the file as amended and as read.

Mr. PALMER. I move a call of the house.

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. Shall a call of the house be ordered? All in favor of the motion will say aye; contrary no. The call will proceed.

(Call of the house.)

Mr. PALMER. I move that further proceedings under the call be dispensed with.

Mr. PRESIDENT. It is moved that further proceedings under the call be dispensed with. If there is no objection, it is so ordered.

The question is upon the adoption of the substitute to Files 7, 26, 27, 41, 54 and 55. All those who are of the opinion that the substitute be adopted as a part of the constitution will say aye as their names are called; those of the oposing opinion will say no. The secretary will call the roll.

(Call of the roll.)

Mr. TESCHEMACHER. As I consider this a direct blow at the future development of the state, I vote no.

Mr. PRESIDENT. Gentlemen, your vote on the adoption of the file as read is as follows: Ayes, 30; noes, 1; absent, 18. By your vote you have adopted the file as a part of the constitution of the state. The file as now amended is referred to the committee on revision.

(Final reading of File 86.)

The printed file as amended was made the engrossed bill, and will now be read as amended. Are there any amendments to be suggested before the final reading of the file is had?

Mr. JOHNSTON. I would like to suggest the following amendment to Sec. 3, by adding the words "and territorial engineer." My reason for this is that in Colorado I know that the territorial engineer has been called on constantly by the board of land commissioners for his assistance. It is absolutely necessary that some official of this kind should be employed, and as there is no other official of that kind, I believe the territorial engineer should be a member of this board, and should have a voice on this board.

Mr. HAY. Second the motion.

Mr. GRANT. I would like to make an amendment to that motion by striking out the word "governor" and inserting "state engineer." I think it is well to have the state engineer appointed to this place, but I don't think the governor is necessary.

Mr. PRESIDENT. The gentleman from Albany moves to strike out the word "governor" in the first line of the section and insert "state engineer." Mr. Johnston accepts the amendment. Are you ready for the question?

Mr. FOX. I object to appointing any appointed man to manage the affairs of our public lands. I believe in appointing a man on this commission who is elected by the people. The idea of appointing a man who is appointed by some other man I think is preposterous.

Mr. JOHNSTON. I can't see any reason in the gentleman's argument. The idea is to get those men who are most competent for this work, and I don't think there is any one more competent than the state engineer. He will probably go out a great deal more upon the land than the governor or any other person connected with the board. My reason, as I said before, for submitting this amendment, is that I personally know that the services of the Colorado engineer have been called for by this board time and time again, I have it from a member of the board himself, and he stated that if we make the state engineer a member of this board here it would be a move in the right direction.

Mr. HOPKINS. It strikes me that this territorial engineer is to a certain extent elected, or at least, approved by the people. The people elect the governor, and it is to the best interests of the people that he should appoint the best man for the place, and I think it is proper that the state engineer should have a place on this commission.

Mr. POTTER. I am sorry the amendment has gotten into the shape it has. I would like to see the state engineer on this board, but I also think it eminently proper that the governor should also have a place. He is the head of the department, and elected by the people, and has a more thorough knowledge of the affairs of the state than any other man, and is directly responsible to the people for his actions, and I object to this as it now is.

Mr. GRANT. I think the state engineer would certainly be a better man than any other man, and he ought to be on the board, and I don't think the governor ought to be on the board with the man he appoints.

Mr. PRESIDENT. Will the gentleman from Albany permit me to ask him a question? Would not the governor, if not a member of the board, have an opportunity to select appointees in the interest of a job, just as well as if he was a member of the board, and by not being a member of the board himself relieve himself of the responsibility and still stand in with the job? The question is on the amendment to strike out "governor" and insert "state engineer." All those in favor of the motion will say aye; contrary no. The chair is in doubt. All those in favor of the amendment will rise and stand until counted—13. Those opposed will rise and stand until counted —14. In the negative. The motion is lost.

Mr. JOHNSTON. I now propose the original amendment, that "state engineer" be inserted after the word "instruction" in the first line.

Mr. McCANDLISH. Second the motion.

Mr. PRESIDENT. The question is on the motion to insert "state engineer" after the word "instruction" in the first line. Are you ready for the question?

Mr. COFFEEN. I am radically opposed to this amendment, it puts four members on the board, the governor and his own appointee, and certainly adds nothing to the bill. By simply stating these points I believe the amendment will be voted down.

Mr. PRESIDENT. Any further remarks? The chair hears none. The question is on the motion to insert. All in favor of the motion will say aye; contrary no. The noes seem to have it. A division is called for. Those in favor of the motion to insert the name of the "state engineer" will stand until counted—8. Those opposed will rise and stand—16. The motion is lost.

Mr. HAY. I now move to insert after the words secretary of state "and such other officials as the legislature may designate, shall constitute the board."

Mr. JOHNSTON. Second the motion.

Mr. PRESIDENT. Are you ready for the question? All in favor of the motion will say aye; contrary no. A division is called for. All in favor of the motion will rise and stand until counted—10. Those opposed—13. In the negative. The motion is lost. Any further amendments desired to the file? The file will now be read at length.

(Final reading of File No. 86.)

The question is upon the adoption of the file. All who are of the opinion that File 86 be adopted will say aye as their names are called; those opposed will say no. The secretary will call the roll.

Gentlemen, the vote upon File 86 is as follows: Ayes, 29; noes, none; absent, 20. By your vote you have adopted File 86 as a part of the constitution for the state of Wyoming.

The question is now upon the final reading and passage of File 87, concerning coal mines. The file is open for amendments, the printed bill is taken as the engrossed copy and will be read the third time. Any amendments suggested to the file?

Mr. NICKERSON. I move to amend by restoring the word "coal," the word stricken out by the committee of the whole yesterday, in Sec. 3, line two.

Mr. PRESIDENT. The gentleman moves to insert "coal" in the second line of Sec. 3, between the words "any" and "mine." Are you ready for the question?

Mr. HOPKINS. I would like to ask the gentleman if it is more desirable to have women and girls employed in ore mines, gold mines, than in coal mines? Where does the distinction come in? I don't see where the point is, if it is desirable to prevent the employment of children or women I don't see why it should not apply to ore mines as well as coal mines.

Mr. HAY. I don't see any reason why it should not apply to coal mines; I don't think the abuse exists in any mines but coal mines.

Mr. NICKERSON. I think that there is a great deal of difference. I have had twenty years experience in ore mines and I do know that women and children under fourteen years of age can be employed just as safely and just as efficiently in these mines as on the range. I don't suppose a member on the floor of this convention would for a moment pretend there is any impropriety, that a ranchman should not employ his wife, his daughters or sons under fourteen years of age to assist him in working on the farm, when they can do the work efficiently and well. I don't know anything about the operation of coal mines, but from my own experience in working gold mines, I know that they can be employed efficientl, profitably and safely. For instance, in the working of a placer mine, I know that children do and have and can work well and profitably and safely in sorting and throwing out the worthless ore, and in tending to the water in the sluices, and I don't see why the distinction should be made. There are many women in this territory who own mines and mining claims, and if this goes into effect they will be prevented from operating their mines, if they have to employ some one to do the work. Women are allowed to hold a hundred and sixty acres of land for a placer mine or a quartz mine, and the laws of the territory should be framed to let them hold it. I know women who own placer mines themselves work them, and employ boys under fourteen, and girls, their own children, to help them. Under this provision they would have to sacrifice their interests. Why should they not be allowed to make a living there as well as on the ranch? It is not dangerous, it is not unsafe, it is not improper. I cannot see the distinction. I presume it arises from the fact that the abuse exists in coal mines. If this is to be a great mining country with all kinds of mines, that will in time be heard from, when developed, I don't see why women and children should not be employed where it is safe and profitable, just as well as their fathers. If you desire to prevent boys of fourteen working in coal mines, if you don't consider it a suitable place for a boy to work, that is all right, but don't prevent their working in the other mines in this territory. Take for instance a boy living in a mining country, away from schools, what are you going to do? He is prevented from assisting his father, in holding his claims, because the law says he shall not work, and he must lay around doing nothing. I hope this will be amended so as to give the mining interests some sort of a show.

Mr. HOPKINS. I will merely say that nearly everything said by my friend applies as well to coal mines as it does to other mines. There is no distinction in the manner in which they are employed, whether in mining ore or coal, it is just the same thing.

Mr. RUSSELL. If the gentleman don't object I would like to incorporate in this amendment the words "iron mines." If the amendment is going to apply, I would ask if this would prohibit the legislature in any future time for providing against the employment of boys or children in these other mines? Some of you lawyers might answer. This clause is prohibitory. The question is would the words coal and iron mines in there prohibit them from providing against the employment in other mines in the future? I don't think that the intention is to work any hardship to any party or to any section of the country, this is to prevent their employment in coal mines, and it will certainly do no harm. I am thoroughly acquainted with the working of a placer mine, and the gentleman, Mr. Nickerson, seems to think it will work a hardship in his section of the country, and not knowing much about that part of the question I am in doubt as to how it would be if this amendment would carry.

Mr. SUTHERLAND. I am in favor of Mr. Nickerson's amendment. I think the abuse has never been carried into gold mines or silver mines or what you may call placer mines. I know that in some mines they use small boys to do light work but the abuse has been in employing children in foreign countries in coal mines. I know in some foreign countries women and children and girls are employed in mines, and I suppose this is to head off its ever being done in this country. I know it looks like a special blow at coal mines. I know of one place in this country where it is done. I have seen at Gerty's Notch, on the lower end of the Susquehanna, I have seen girls that were not twelve years of age come out of iron mines, and I have seen children working in the coal mines of Pennsylvania, and I hope we shall never see that in Wyoming, so I am in favor of keeping it in here.

Mr. CLARK. I think if any distinction is to be made it should be made in broader terms than proposed by the gentleman from Fremont. If we are going to confine it to dangerous mines, all mines which are not dangerous should be excepted, and I would call attention to the fact as I understand it, and will ask the gentleman for information, whether or not lead mines, or silver mines where the ore carries a large percentage of lead are not the most dangerous mines, more so than other mines? I understand that a man cannot exist in one of these mines and hold his health for any great length of time.

Mr. CHAIRMAN. Will the gentleman from Fremont permit me to ask a question? Would not the striking out of "or about" after the word "in" meet the difficulty that he seeks to obviate?

Mr. NICKERSON. It would not. The work in placer mines is necessarily in the mines. Now I don't know how it would effect soda mines, and asbestos and all other kinds of mines, but in a placer mine it is necessary to work in the mine, and women and children have worked successfully in a mine. I have no objection to striking out the word "coal" and inserting "except such mines as are dangerous." I would say that mining certain ores is dangerous, and I have no objection to accepting them, but I do say that the employment of children in silver mines can be carried on successfully, safely and efficiently, just as well as they may be employed on the ranch or range, and I insist that their fathers should have the right to employ them.

Mr. FOX. I seconded the motion of Mr. Nickerson to insert "coal" between the words "any" and "mine." That certainly ought to be prohibited. I never worked in a coal mine, but my idea is this: Explosives are used in the mine, and it might be dangerous to employ persons not experienced in these matters as it might cause the destruction of the mine and the miners employed therein. If the object of this is to prevent anything of that kind it is all right. But there is another point to be considered. In our country we have a new industry just about to be started, that is the making of plaster of paris. The company who have built the works employ boys to drive their teams by which their materials are transported to the mines. Now I think there is no reason why a boy should be prevented from driving mules, or something of that kind, if it is necessary to employ him, for in this way he could help support himself and the family to which he belongs, and I don't think he should be prohibited from doing so. I think if the word "coal" was put in there it would cover the difficulty.

Mr. HOPKINS. It was asked by Mr. Russell that the word "iron" be included as well as coal, "coal and iron mines." I ask further that we insert the words "or other dangerous mines."

Mr. COFFEEN. I was going to suggest that we add "or such other mines as may be designated by law." So that the legislature might provide for any other mines.

Mr. ELLIOTT. I move to amend by striking out the words "or about," and after the word "mines" insert "except placer mines." I don't think it proper that a boy under fourteen should work under ground.

Mr. CHAPLIN. I should like to second that, but add the words "or any other underground mine."

Mr. CLARK. As that amendment is now, it will defeat the very object of this provision. The boys and girls are simply employed about the mine, more than in the mine, and this proposes to sever all connection with the mine or on the premises about the mine. If it is intended by that to defeat this section why well and good.

Mr. ELLIOTT. I had no such intention and ask leave to withdraw my amendment.

Mr. PRESIDENT. The chair understood the gentleman from Fremont to accept the suggestion as to including iron as well as coal, and the words "or other dangerous mines." That being accepted by the gentlemen from Uinta and Fremont, the question will be first upon the adoption of the amendment as suggested. Insert the words "coal, iron or other dangerous mines." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments to the file? The question is upon the final reading of the file as amended. File 87 will now be finally read. The question is upon the adoption of the file as a part of the constitution. All who are of the opinion that the file be adopted as a part of the constitution will say aye; contrary no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on File 87 is as follows: Ayes, 30; absent, 18; nays, none. Gentlemen, by your vote you have adopted File 87 as a part of the constitution. The file will be referred to the committee on revision.

The question is now on the final reading of the substitute for Files 5, 6, 10, 23 and 64, on elections and qualifications to office.

(Final reading of the file.)

Shall the file as read be adopted as a part of the constitution? All who are of the opinion that the file be adopted will say aye; contrary no, as their names are called. The secretary will call the roll.

(Roll call.)

The vote upon the substitute is as follows: Ayes, 30; nays, none; absent, 18. By your vote you have adopted the substitute for Files 5, 6, 10, 23 and 64, as a part of the constitution. The file will now be referred to the committee on revision. The question is now on File No. 90, appeals from decisions of compulsory boards of arbitration shall be to the supreme court of the state.

Mr. POTTER. I move to insert the word "allowed" after the word "be."

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no: The ayes have it; the motion prevails. Final reading of File 90.

The question is on the adoption of the file as amended as a part of the constitution. All who are of the opinion that the file be adopted will say aye as their names are called; those of the opposing opinion will say no. The clerk will call the ayes and nays.

(Roll call.)

Gentlemen, your vote upon File No. 90 is as follows: Ayes, 31; nays, none; absent, 18. By your vote you have adopted File 90 as a part of the constitution. The file is now referred to the committee on revision.

The question is now upon the passage of the substitute for Files 59, 28 and 8, on education, public schools, etc. Are there any amendments? The secretary will read the file at length. Final reading of the file. The substitute for Files 59, 28 and 8 has been finally read. The question is upon the adoption of the file as a part of the constitution. Those who are of the opinion that the file be adopted will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

Gentlemen, your vote on the substitute for Files 59, 28 and 8 is as follows: Ayes, 30; nays, none; absent, 19. By your vote, gentlemen, you have adopted the file as a part of the constitution. The file is now referred to the committee on revision.

Mr. RUSSELL. Mr. Chairman, I want the consent of the convention to present an article at this time. I want to have it inserted in the article on mines.

Mr. PRESIDENT. The gentleman from Uinta presents the following: "For any injury to person or property caused by wilful failure to comply with the provisions of this article or laws passed in pursuance thereof, a right of action shall accrue to the party injured, for the damages sustained thereby, and in all cases in this state whenever the death of a person shall be caused by wilful neglect, act or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action notwithstanding the death of the party injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced."

Mr. PALMER. I think that provision is already on the revised statutes of Wyoming, and the courts have held in this territory that you cannot take away from any corporation or person any rights they may have at law, and this provision is simply valueless, and has been so held by the courts.

Mr. CLARK. I am not familiar with the facts of the case the gentleman mentions, but they undoubtedly exist because he says so, but it seems to me that this provision or something of this kind ought to be put in the constitution. I have been examining the files, having been told that the proposition had already been incorporated somewhere else. If it has been covered, well and good, if not I believe this ought to go into the constitution of this state. You may say, is not this pure legislation? What if it is. We have voted for a great many things here that are legislation, and if we are going to have legislation here at all, let us get the best there is, and it seems to me that the doctrine ought to be pretty well exploded by this time that if a person is killed, it is not as much as if he had had his leg broken.

Mr. RINER. If there is some way to get at the other proposition, I would have no objection to this. The language here is the same as is embodied in another provision of the constitution, and in my judgment this is fully covered in the other proposition named. If the gentleman had been here and listened to the file on corporations he would know it too, but to come here at the tail end and put in an amendment after it has once been passed upon by the convention and make objections and try to amend the corporation bill when we are all through with it, I shall oppose it unless there is some way to get at the other. I am willing to substitute this for the other.

Mr. CLARK. I think it is the duty of every member to put in any amendment up to the very time of adjournment if he thinks it necessary.

Mr. PRESIDENT. The chair thinks it is his duty to explain personally. While on the floor in committee of the whole I moved to strike out practically this same provision, there were some yesterday who did not want the section struck out, and at the time the action of the committee was taken it was understood that the provision in the article on corporations, and the separate provision that was passed in reference to contracts with employes, the two together fully covered this proposition. I have this morning examined the matter in company with Mr. Clark and others, and compared the different sections and found that there is matter contained which is important perhaps and that is not contained in either of the other sections. The section referred to gave authority to the legislature to pass such laws as will carry out the substance of this. The gentleman desires to have this in the constitution.

Mr. RINER. Canot this be substituted for the other?

Mr. BROWN. There are matters covered in the other propositions not covered by this, and this covers matters not covered by either of the other two. For instance, the article yesterday limits the amount that may be recovered in case of death, but does not give a right to action in case of death, and impliedly gives the legislature the right to enact a law to cover this whole matter, and it would be their duty to do so. The other article refers, when examined, to the matter of contracts and does not cover this other question. I make this explanation as a matter of personal duty to myself, because I want, so far as I am personally concerned, these matters to be fully covered by the constitution. I wish to acknowledge my own fault in moving to strike it out.

Mr. RUSSELL. I will state that both Mr. Brown and Mr. Riner made the statements that this was covered already, and I was not sufficiently acquainted with the provisions to know, but after looking the matter up quietly I found it was not covered to my satisfaction, and I only ask that this be adopted so as to reasonably secure the rights of workingmen in case of accidents or death.

Mr. PRESIDENT. The question is on the motion shall the rules be suspended and the proposition be finally read and put upon its passage. All in favor of the final reading and passage of this proposition will say aye; contrary no. The ayes seem to have it. A division is called for. All in favor of suspending the rules will rise and stand until counted—24. Those opposed will rise and stand until counted—6. My recollection is that the rules are suspended by a two-thirds vote, therefore the convention by its vote has suspended its rules for the passage of the proposition. The proposition will now be finally read. The question is upon its adoption as a part of the constitution. All who are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The secretary will call the roll.

Mr. HAY. I vote no, because I don't understand that this is anything but what is already there, and there is no necessity for putting it in in addition to what is already there.

Mr. PALMER. I desire to explain my vote by stating that I vote no, simply because I don't believe in putting mere legislation in the constitution.

Mr. RINER. I vote no, because notwithstanding the opinion of the president of this convention, I think the matter is fully covered in the provision adopted here yesterday.

Mr. PRESIDENT. Gentlemen, the vote upon the file is as follows: Ayes, 25; noes, 6; absent, 18. By your vote, you have adopted the file as a part of the constitution. The file will now be referred to the revision committee, in connection with the mining bill, and as a part thereto. This disposes of the files for final reading now upon the table. The file on schedule was referred last evening to two committees for amendment; it had been passed upon with the exception of one or two matters. Are the committee read to report? It seems they are not. What is your pleasure, gentlemen?

Mr. FOX. I would like to ask for information, something of importance, I think. Have we anything in the constitution defining the boundaries of the future state of Wyoming?

Mr. PRESIDENT. That is provided for.

Mr. HAY. I have a resolution which I wish to introduce, and I would like to have it acted upon at once if possible.

Mr. PRESIDENT. Is there objection to the gentleman's presenting a resolution at this time? The chair hears none, Mr. Hay will present the resolution.

Mr. HAY. "Resolved, That the committee on printing are hereby instructed to have published in pamphlet form for distribution the constitution and address to the people adopted by this convention, and to expend any unexpended balance of the funds raised to meet the incidental expenses, in payment for as many copies as can be printed for that amount."

Mr. HOLDEN. I have a proposition that I would like to submit, and for that purpose will ask the consent of the house.

Mr. PRESIDENT. Mr. Holden asks unanimous consent to present a proposition. Is there objection? The chair hears none, Mr. Holden will present his proposition. The secretary will first read the proposition, or rather resolution, offered by Mr. Hay, of Laramie.

(Reading of Mr. Hay's resolution.)

Mr. FOX. I move the adoption of Mr. Hay's resolution. It has been suggested that the money on hand would buy enough possibly for each member to have twenty copies or something of that kind.

Mr. HAY. It is difficult to tell how many we can get, probably something like four thousand.

Mr. PRESIDENT. You might provide that they shall be equally distributed among the members. It strikes me that would be the best way.

Mr. BAXTER. I am informed by Mr. Chaplin that it will probably supply ten thousand copies. We could not possibly distribute that number among this convention; we might possibly provide that each member shall have twenty-five, and the rest disposed of as may be directed. Filed in the office of the secretary of the territory, or some such officer. Their distribution might be controlled by the printing committee, under instructions from this convention. I would move to amend by saying that twenty-five copies be suppled to each member of the convention, if he desires as many as that, and that the balance be delivered to the secretary of the territory for general distribution.

Mr. REED. I was about to offer an amendment that the balance be equally divided among each county, and sent to the different seats of county government.

Mr. SMITH. I object to supplying members who did not come here.

Mr. PRESIDENT. I understand that Mr. Hay accepts the amendment offered by Mr. Baxter. What is your wish, gentlemen, as to the disposition of the resolution?

Mr. POTTER. I move it be adopted.

Mr. PRESIDENT. Is there objection? The chair hears none. The question is upon the adoption of the resolution. All in favor of the resolution will say aye; contrary no. The ayes have it; the motion prevails, and the resolution is adopted. The committee appointed on address to the people is as follows: Messrs. Burritt, Hay, Grant, Knight, Smith, Organ, Coffeen, Preston, Hopkins and Harvey. The chair requests that the committee meet in the committee room immediately after taking a recess at noon.

Mr. PALMER. The committee on schedule desire to state that they will report some matters after recess.

Mr. CAMPBELL. I would like the members of the Laramie delegation to meet in the committee room for a few minutes.

Mr. PALMER. I desire the schedule committee to meet at half past one in the room to the left.

Mr. POTTER. I move we now adjourn until 3 o'clock this afternoon. This will give the committee referred to a chance to report.

Mr. PRESIDENT. There is still one matter in the hands of the printing committee, at any rate it had not been returned this morning. On the general file there is the report of the committee on salaries undispensed with, and will come up for consideration this afternoon.

Mr. HOYT. I would like to make the hour 2:30 instead of 3 o'clock.

Mr. PRESIDENT. The proposition of Mr. Holden's, which was presented by unanimous consent, and before the motion is put to adjourn, it is proper that it be read. The clerk will read.

CLERK. File No. 92, by Mr. Holden, in regard to homestead exemptions. "A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists, but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon."

Mr. PRESIDENT. The proposition will go onto the general file for consideration of the committee of the whole in its regular order.

The question is now on the motion to adjourn until 3 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. We will now adjourn until 3 o'clock this afternoon.

AFTERNOON SESSION.

Friday afternoon, Sept. 27.

Mr. PRESIDENT. Convention come to order.

Mr. BURRITT. I move we go into committee of the whole for consideration of the general file.

Mr. RINER. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we now go into committee of the whole for consideration of the general file. All in favor of the motion will say aye; contrary no. The ayes have it. We are now in committee of the whole. Will Mr. Sutherland, of Albany, take the chair?

Mr. CHAIRMAN. Gentlemen, you have before you for your consideration the majority report of Committee No. 15, salaries of public officers.

(Reading of Sec. 1.)

Mr. CHAIRMAN. You have heard Sec. 1. Is there any objection? Sec. 2 will be read.

Mr. CLARK. It seems to me that it would be best to consider this majority report and the minority report together, and I make a motion to that effect.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Sec. 2 of the minority report will now be read. Are there any amendments?

Mr. CLARK. I move that Sec. 2 of the majority report be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the adoption of Sec. 2 of the majority report will say aye; contrary no. The ayes have it.

Mr. POTTER. I call for the reading of Sec. 4 of the minority report.

Mr. TESCHEMACHER. Second the motion.

(Reading of Sec. 4 of the minority report.)

Mr. POTTER. I move the adoption of Sec. 4 of the majority report.

Mr. TESCHEMACHER. Second the motion.

Mr. RINER. I am not at all sure that this proposition for county salaries is the best thing to be done, and I rise now that it may be discussed, and so that I may get some information in regard to the matter. As I understand it, it is the purpose of this file to say that the sheriff shall receive a certain salary. Now, I would like to ask if that is for public business, for the state in criminal prosecutions, or is it intended to apply to his entire services, including his services in civil cases as well? We tried this once in this county, allowing the sheriff a salary, the fees to be turned into the county treasury, and the total amount of fees collected was about eight hundred dollars. That is the effect of the law so far as the fees are concerned; if they go to the state they pay no attention to them. Then there is another argument which we must bear in mind, in the case of the sheriff, and that is this. If he gets no fees, he is apt to be dilatory about civil processes, and perhaps litigation might suffer thereby. Is it not better to allow him in civil cases such fees as may be allowed by law? Will he not perform his duties more promptly? I think this matter should be carefully considered by the committee. I merely make these suggestions that the matter may be discussed.

Mr. POTTER. I don't think I quite like either of these reports. I think myself that in cases of the justice of the peace, and the sheriff, and some other officers perhaps, those that have to deal with civil cases, they ought perhaps be permitted to have fees. It don't effect the state at all, and there is no reason why the public should pay for this litigation that is purely between individual parties. Therefore I don't like the minority report without an amendment of that kind. The reason I object to the majority report is that it provides salaries for officers which we have not created, which we left to the legislature to create, as we have almost all these county offices, and one county officer which we have provided for, a clerk of the court, has not been provided for at all in this report.

Mr. HAY. The gentleman has evidently not read the fifth line of Sec. 1. That the legislatures can fix the salaries not fixed here. If it is desired the salary of the clerk can be put in here. But in regard to the argument of Mr. Riner, it seems to me hardly worth while to pay the sheriff the amount he is paid in this county at this time. Let us take the office of treasurer for instance. The question is whether we want to take a man and elect him treasurer, a man that could not earn over three thousand dollars in any other position and pay him eight or nine thousand dollars a year, as we do today. That is the question this bill is intended to meet. We should not have any half way about it. If we allow fees and salary, the fees are the main thing looked after. The part of the duties the salary is paid for is looked after by somebody else, and the collection of the fees is the main business of the office. It must be either salary or no salary, cut off the fees, or else discontinue to pay the large salaries we are now paying. That is the way it strkes me at least.

Mr. RINER. I would like to ask Mr. Hay a question. Is it not better and are not our taxes collected better for paying the treasurer a percentage upon the taxes collected than by paying a salary which he gets whether he collects the taxes or not? In the case of the sheriff, I would ask the gentlemen of this committee this question. Is the sheriff when he is paid a salary going to use the same diligence in matters of attachment, where he has got to go fifty or seventy miles to get hold of the property, got to bear the expense of taking care of that property until it is disposed of by order of the court? Is it as good a protection to us that he shall have the same salary whether he does it well, or only half does it? Is it the same protection to the citizens? We will find it will work very badly in my judgment. I believe, as far as this question is concerned, as far as we ought to go would be to provide that the legislature of the state of Wyoming may provide either salaries or fees or both. This is a salary for the business of the state, and fees in civil cases. I think an officer will render better service than they will with this salary business, for in collecting the fees and turning them into the state or county treasury, they will amount to almost nothing, and the officer will not be nearly as efficient, if he gets the same salary whether he does his work or does not do it. And I think we should consider this matter very careful before we settle it.

Mr. HAY. Mr. Riner asks me if the treasurer will not be more diligent in collecting the taxes if he is paid a percentage on what he collects? Will the agent of the Union Pacific railroad company be any more diligent in collecting freight for which he has a certain voucher to collect, on a percentage than on a salary? If he don't perform his duty he is discharged. The same rule should apply to tax collectors. I cannot see any reason why officers working for the public should not work on business principles. You take a man in any walk of life, a judge on the bench, we don't expect him to render any better service whether he has a salary or fees. The only exception is in a few county officers. In the city of Cheyenne the clerk is paid a salary, as I understand it, and the fees go to the city, Now I think as between the work of the two, the work of the city clerk is just as well done as the work of the county clerk. If an officer will not do the work properly on a salary, he is not a proper officer, if it is only the fees that he can make that makes him do his work properly he is not a proper man for the place. I think the legislature ought to provide that if he does not perform his duties properly, that he should be discharged the same as a railroad employe or any other person.

Mr. CLARK. I am not entirely in favor of the minority report nor of the majority report. Of the two I am in favor of the minority report. I believe in the payment of officers; there are officers who should be paid a salary, and some who should be paid fees, and I believe with Mr. Riner that the sheriff is one that should be paid by fees. I am opposed to the majority report because I am opposed to the limits that are placed upon some of the officers. I don't believe any officer should have exhorbitant fees, but I believe that every man working for the state, county, a corporation or individual; should be paid what his services are worth. I don't believe the assessors as listed in the majority report is paid a sufficient amount. I am in favor of the minority report because it leaves all these things to the legislature. What services in Laramie county may be worth now may be a very different thing in five years from today. I believe that the assessor is one of the most important, if not the most important, officer in all our county government.

Mr. HAY. How many months in the year does the assessor work? He gets his work done inside of four months.

Mr. CLARK. The county assessor of Uinta county cannot do all the work of the county now, and if we are going to commence growing with the adoption of this constitution, and grow as we think we shall grow, there will be very few counties in the state within the next two to four years where the work can be done without requiring additional work. The argument made by Mr. Hay in regard to a railroad company is not a proper one, for this reason. A railroad corporation is one of those things that trusts no man. If the company has a freight bill against me I have got to pay it before I get the goods. I have got to pay it at once, and the duties of the agent end then and there. He don't have to go round hunting me up to get it after I get the goods. The duties of the treasurer or collector are very different. They have to rustle around and see that these taxes are paid, and as I have said before on this floor, I believe we are going to have future legislatures who are honest and will be just as capable of judging what these men ought to have as we are here today, and I say in good faith that these things ought to be left to the legislature, and I believe they will be out of place in this constitution. If it goes in there it would be advice to congress that we have been in the habit of paying too much, that we have had men who have been receiving more than their work was worth. I don't believe in the principle in the first place, and the application in the second. I believe of the two evils that the minority report is the least.

Mr. CAMPBELL. If I have gauged the temper of this convention and the people this convention represents, I think that they are all in favor of salaries to be paid to all county officers. That seems to be the general impression everywhere. That they should be all salaried, and if you don't put that in the constitution you will never get it by legislation, it makes no difference how honest the legislature is. Take Colorado for an illustration. I don't think that Denver was any larger, had any more population or taxable property than Laramie county has, in 1876, when Colorado was admitted into the union, I think it was just about the same, and look at the state of affairs there now. I think you can get a good man to perform all the duties of any office in the state of Wyoming for three thousand dollars, and when the time comes that you can't, by that time we will need a new constitution. You can get a bank cashier for three thousand dollars a year, you can get a man to take charge of any important business for three thousand dollars a year, and I think it requires more ability to perform some of the duties in some of the positions I have mentioned that it requires in any of the county offices. I recognize the force of the objection raised that it would make the officers a little more negligent in the performance of their duties, and private interests in civil cases might suffer thereby, and to illustrate that I will merely refer to a state that some of these members come from —Pennsylvania. In the constitution of 1873, they provided in the constitution that cities and counties with over one hundred and fifty thousand inhabitants, that county officers should be salaried, and not paid with fees. In accordance with that provision in the constitution, the legislature fixed the salaries in the city of Philadelphia, and fixed the salary of the sheriff's office at fifteen thousand dollars, and the prosecuting attorney at fifteen thousand dollars, and the recorder at about that much, and the office was supposed to be worth from fifty to sixty thousand dollars in the fees they received from civil processes, etc. I have never known the fees collected by that office to pay the salary of the sheriff and his deputies since the establishment of the constitution of Pennsylvania, since that law went into force. Before that the sheriff was obliged to pay himself and his deputies out of the fees that he received in this office, and strange to say the city of Philadelphia had to make an appropriation to pay the salaries of the sheriff and his deputies, because the fees he had collected from the processes in his office were not sufficient. The reason of that was simply that the sheriff had been negligent in looking after the fees, where he would have been very diligent if he had been allowed to put these fees into his own pocket. To meet that objection, and I see the force of it, I think that the sheriff's should be allowed a certain per cent of the fees in addition to his salary, as an inducement to collect the fees, and there should be another provision, (I don't exactly like either of these bills), that if the fees of the office did not meet the salary stated in this bill, that they should not receive any more than the fees, and that would be an additional inducement to collect the fees. This would meet the objections made by Messrs. Riner and Clark, and will make them more diligent, by providing that unless the fees equal the amount of the salary, they shall only receive the amount they have collected.

Mr. HAY. Mr. Clark says that the comparison I draw between an employe of the Union Pacific railway company and the treasurer is not correct, and that the Union Pacific agent does not have to rustle up the freights, but that the treasurer does. I would like to ask him if it is the treasurer that goes out and rustles up the taxes. I think it is the tax payer that has to do that. I don't know of its ever having been done in this or any other county I ever heard of. Look at our delinquent taxes, and I venture to say that the treasurer never set his foot outside of his office to collect them. I never heard of its having been done. I say if he is a good man he would work as well for a salary as for fees. I think the cases are almost exactly equal. Each is here to look after large interests, but in the one case there is an executive officer that keeps him up every day to a strict account, and in the other case it is the public, and the officer that serves the public don't check up the officers that are under them. The county commissioners for instance, if they would check up the officers under them, as do railroad companies, there would be no trouble about this matter at all. We have provided for a state examiner. Now a portion of his duties will be to see that these fees are properly collected, as provided by law, and if upon examination it is found that they have not been properly collected, it is his duty to report that fact to the county commissioners, and they should hold the officer so failing in his duty, responsible for it. By a little attention a great many of these defects would be remedied. But the main object of all this is to provide some way by which the exhorbitant expenses of the county can be cut down. I think the gentlemen who feared the expense of an independent supreme court will find a good deal of comfort in this bill, and the committee who prepare the address to the people can refer to this measure, that it will save a great deal more money to the taxpayer than the independent supreme court costs. It would save as much money in this county alone as an independent supreme court would cost the entire state, I might say a great deal more, but I want to be entirely within reason. Why imagine what we pay three officers in this county. I have been doing a little figuring on this question, and find that we pay three officers in this county about twenty-five thousand dollars. Under this bill we would pay only about ten thousand dollars, and fifteen thousand dollars would go into the treasury. Even suppose they failed, as has been suggested here, to collect one-half of the fees, there would be even under these circumstances seventy-five hundred dollars saved. Without the seventy-five hundred dollars we don't collect we will say, seven or eight thousand dollars, and also stop the paying of salaries that they cannot command anywhere else.

Mr. COFFEEN. I am opposed to this minority report for some reasons. In the first place, the gentlemen from Uinta county that seemed to favor it, if he will examine it, he will find it cuts him off from the very points he wants to secure, just as much as the other, and it don't answer any of the demands he seems to think it does. I am in favor of the majority report, because it takes up this question and classifies our officials. That is what the people of our country demand. They do not want this convention to touch the question of county salaries. They will not think more of this convention or the constitution if the question is touched concerning the amount of salaries. I believe they will approve of your action if you say that you have allowed a reasonable compensation for the service rendered, according to the amount they could demand in their different avocations. They would also be influenced in favor of your work, as you will be able to show by the adoption of this majority report that you have saved your state seventy-five thousand dollars a year. I have done some figuring on this. I will speak to the point now. As we go through this majority report, we will find that there are three classes of counties, those with an assessed valuation of two million, those not exceeding five million, and those having more than five million. I believe this is a good classification. If you will look at this majority report, you will see that if it is necessary it can be amended to meet the demands of the various counties in which we reside, as we see proper. This can be more easily amended than the other, and we can sooner get the good results sought for in following the majority report than the other. As I have said before I have done some figuring on this question. In the counties not exceeding two million assessed valuation, forty-five hundred dollars is provided for in this majority report as the expenses of these five county officials. I have also examined into the statutes and discovered what these same officers cost us under the present law, and I have discovered in these smaller counties, instead of being forty-five hundred dollars, it amounts to over ten thousand dollars. Sometimes our treasurer will get one-half as much as all these five officers ought to receive in these smaller counties, or nearly so. So we will save more than one-half in the smaller counties by adopting this majority report. I just wish to call your attention to this minority report for a moment. Is it provided that no officer in any county shall receive a larger amount than three thousand dollars, so the salary of these five officers will be fifteen thousand dollars under the minority report, which you favor. For I think it is very probable they will get very near to the limit which you have provided, and that is what I wish to avoid, these excessive salaries. But to return to the present law. Our sheriff gets three thousand dollars, and in fees from one to two thousand dollars more, approximately then he receives four thousand dollars. Our county clerk gets fifteen hundred dollars, and fees from fifteen to two thousand more, and I am putting it low on fees, when I say fifteen hundred dollars every one will admit, so that makes three thousand to the county clerk. Our county treasurer gets fifteen hundred dollars by law, and fifteen hundred more in fees, and about five hundred dollars as probate judge, this last is an estimate, only approximately it may be less, and it may be more, and our assessor gets five hundred dollars and the percentage, which will make I presume about eight or nine hundred dollars in all, and the superintendent of schools gets five hundred dollars. Thus you see under our present law it costs us more than ten thousand dollars, and this majority report cuts it down to forty-five hundred dollars. So, as I have said, in our small counties the saving is one-half, and take it in your larger counties the saving is even more than one-half. It is really more than one-half in all, but I have tried to be very reasonable in this estimate, but as near as I can figure it, it is on an average of seventy-five hundred dollars per county, or seventy-five thousand dollars in the whole state. Now just one word in reference to fees. There is some force in the argument made by Mr. Riner that the administration of the sheriff's office will be better in civil cases if he be allowed his fees. I think there is force in that, but after all it is but a question of official duty, but if the legislatures are what you believe they are, and what I believe they are, they will provide against this. But by adopting this majority report you put all temptation out of the way of future legislatures, to overlook this matter, for you have fixed it for them, so I think, gentlemen, we will secure what we want, what the people want, by adopting this majority report.

Mr. CAMPBELL. I offer the following as an amendment to Sec. 4, to be inserted between the sixth and seventh lines of Sec. 4: "Provided further, that the county officers shall not receive salaries in excess of the fees earned and collected by them, and provided further, that in addition to said salary, they shall be permitted to retain out of the fees earned such commission as the legislature may provide for collecting the same."

Mr. PRESTON. I don't know that I am exactly in favor of either the majority or minority report presented, but I am opposed to the amendment offered by Mr. Campbell. My reason for being opposed to that amendment I will state briefly, and it is this. If there is a single county officer required in any county in this territory it is a sheriff, and that office is required to be filled by a good man, and I pride myself in speaking on behalf of the county I represent, that we have one of the best sheriffs any county ever possessed, and under this provision no such man could ever be called upon or would consent to fill the office of sheriff. In the first place, sir, the office of sheriff in a county like Johnson, Fremont, Sheridan or Crook, the fees of the office would not pay his living expenses, and to place a clause in the constitution that says the county officers shall not receive a salary, only such salary as the fees would pay, would be placing those counties in a position where they could not have a sheriff.

Mr. CAMPBELL. If the legislature should provide that they should have the fees?

Mr. PRESTON. No, sir, even if the legislature should provide fees for civil cases and criminal processes, it would not pay the sheriff. I dare say that the sheriff even in the discharge of his duty in a county like Fremont, in the service of civil processes, where he is frequently compelled to ride from seventy-five or a hundred miles to serve that process, that even with the fees allowed, he makes very little more than his expenses in going and coming from the place in serving the process, and I am in favor of county officers being paid a salary. I believe that it is the sense of the convention, as well as the people of the territory, that there should be a change in the system of paying their county officers, and while I believe the sheriff should be paid a salary, I believe he should be entitled to receive in addition to his salary the fees that are allowed by law for the service of processes. Let the salary be cut down from $1,250 in counties where the assessed valuation is two and three millions, and pay him a thousand dollars and allow him all fees for serving civil processes. There is no question but what if you compelled the sheriff to accept a certain fixed amount, and not allow him any fees for serving civil processes, for, my friends, if he has occasion to ride a hundred miles to serve it in winter, do you suppose he is going to put himself out to ride that far, if he is allowed the same amount if he stays at home, and so far as leaving the legislature to fix part of it, I think you had better leave it to fix them, and I am very much surprised at some gentlemen on the floor of this convention who are unwilling to leave anything to the legislature. I have heard it so long and so often that it has become stale, and I heard it so much before I went broke on Deronda I was afraid to meet a member of the legislature. If it is necessary to fix the salary of the sheriff, if it is necessary to fix the salaries in this constitution of these various county officers, let us fix it, but in the name of Heaven give the legislature a rest.

Mr. MORGAN. So far as to whether or not a public officer will discharge his duty faithfully, I think we must take it for granted he will. People elect men to office, and they elect men who in their judgment will do that very thing. Now I think the people expect that we will adjust that matter, I know they do, that we must see to it that the people's money is not squandered. I have not been favorable to too low salaries, but when the fact presents itself to us, we have provided for a governor to receive twenty-five hundred dollars as his compensation, and that governor will be called upon for thousands of expenditures that we cannot anticipate, for matters in the line of his duty, and twenty-five hundred dollars is all that is provided for the supreme court as compensation for them. Now it is our duty to see to it, for in the first place every officer elected or appointed is elected to perform the people's work, and the people have the right to fix the compensation and have the right to fix it at a reasonable sum, and that is what we ought to do, and not to permit any man in this territory to receive three or four times the salary of the governor, for work not so frequent, that does not require so large a field of knowledge, so much ability or so much work, and the same way with the supreme court. I favor myself this majority report, and think what Mr. Hay has said, he is a business man and understands that kind of thing, is very nearly right. It may be necessary to put in some amendments about civil case fees, and let that be done, but let us stick to the main question, and fix these salaries at a reasonable figure.

Mr. McCANDLISH. I look at this thing as a pure matter of business. To get this work well done for the amount least possible. There is nothing in this majority report which says they must receive the amount that is called for here. The legislature can fix that amount. Of course if the members from Laramie county wish their sheriff to have more pay than they do the governor, why it is all right for them to do so.

Mr. HOYT. I have never held a county office, and have no familiarity whatever with the peculiar ways that seem to attach to these offices, but would like to have some gentleman inform me what it is in the nature of a few county offices so different from offices in general, that should make it impossible for them to perform their duty in those offices? We have had the question raised but not answered. Now I wish to say in general terms that in having statehood we will have additional expenses to assume, and it is important that we look carefully to all these matters, which though small in each individual matter, are very great in the aggregate. In my judgment to pay to any county officer five, six or nine thousand dollars is an outrage upon taxpayers and money simply thrown away.

Mr. HAY. It has been urged here that a large amount of the fees that should belong to the county and state will not be collected through the negligence of the officer, and as this is not the proper time to offer an amendment, I want to suggest when it is proper time that there be added to Sec. 2, at the close of the section, ending "and shall pay the same into the proper treasury when collected," there be added, "and the officer whose duty it is to collect such fees shall be held responsible on his bond for neglecting to collect the same." They can be held responsible the same as any one else.

Mr. FOX. I think we are all off the track. There is a sensible view of this matter which ought to be taken. Commencing with the precinct officers, I think they should not be paid by fees, because if paid a salary it comes out of the county treasury. If by fees the people pay for it. Therefore we will be out of pocket. When it comes to county officers certain of them should be paid by fees. I think the sheriff should have a stated salary, and I think he should have fees for the reason stated by Mr. Preston, if he is paid a salary and gets nothing else, when he has a process to serve on a cold day he don't go because he don't get paid for it. You cannot do his business without you furnish the sheriff a number of deputies to do the work, because he is not going to do it himself. You have got to make that provision. In counties of the third class you will have to furnish the sheriff with deputies, at least one hundred dollars a month, you will need at least three of them under this system. If you pay your sheriff three thousand a year he is not going to go himself, but is going to send his deputy every time there is anything to do out in the country. While under this other system he will have but one deputy, and they will do all the work and get the fees, but you take away the fees, and he will require three deputies at a hundred dollars a month, to be paid out of the county treasury, and under the other system it comes out of the litigants. The same way with the recorder. You pay your recorder fifteen hundred dollars a year and he gets the fees for recording, he will put in fourteen hours a day in his office if he has got the work to do. I know this by experience, and the fees he will save because he does the work he earns. But if you pay him fifteen hundred dollars a year and the fees go to the county treasurer, what does he do? He does not record a single page on the record. You have to furnish him deputies who will do the work, and it will take all the fees to pay those deputies and more too. You have either got to have deputies or fees. If the county clerk makes more money out of his office than you think he is entitled to, cut down the fees. Make the fees small enough so as to equalize the business as it should be. I tell you, gentlemen, that is the only way this thing can be fixed and be right.

Mr. BAXTER. It seems to me unnecessary to discuss this question of the reduction in expenses, we have all made up our minds as to that. There is no more important matter before this convention than to fix in some way a method that will relieve us of the expense we are burdened down with in paying these county officials, and to test the sense of this convention, I desire to offer an amendment, and it is in deference to the argument by Mr. Riner that if all fees were to be paid into the treasury, there would be no fees collected to speak of. That means that the officers are not going to do their duty, but still the best thing to do is the cheapest thing. Add to Sec. 3 of the majority report the following: "Provided that the legislature may provide by law that the county officials herein enumerated may retain twenty per cent of all the fees collected for serving civil processes." That is to retain only twenty per cent of the fees in counties of the first class, fifteen per cent in counties of the second class, and ten per cent in counties of the third class. That will operate to make them somewhat efficient. You can take this county, where the sheriff probably gets six or seven thousand dollars a year in fees. Under this amendment he gets seven hundred a year, and that is worth looking after, and I think such a provision as that would probably meet the objection. I offer this as an amendment to Sec. 3.

Mr. CAMPBELL. I withdraw my amendment with the consent of my second and want to second this at the same time.

Mr. FOX. I think the county treasurer should have a fixed salary, and I say that the assessor should be paid a fixed salary and expenses, and I think the county superintendent should be paid a fixed salary and traveling expenses, and I think the county attorney should be paid a fixed salary, according to the population, but I think the county clerk, the sheriff and recorder, they are entitled to a salary and fees, let the fees be what they will. If he has the fees the more he will do for himself, and if he don't get the fees, take it in our county for instance, the county clerk gets fifteen hundred a year and the fees, but you take the fees away from him, and you will have to hire three deputies at a hundred dollars a month, and the county will have to pay for it. As it is now all that comes out of the county is the fifteen hundred dollars, but take the fees away, and this extra thirty-six hundred a year will come out of the county.

Mr. COFFEEN. I would like to ask a question. Will he be allowed any more deputies than the law provides for?

Mr. FOX. He will be allowed deputies enough to do the work. The work has got to be done and you can't make him do it, and you have got to furnish him a deputy. You can't get a deputy for less than one hundred dollars a month. I used to work fourteen to sixteen hours. Why did I do it? Because I was earning the money I was working for. I did not have to pay a man at the end of the month who didn't work more than eight hours. This is the cheapest plan, fix the salary and let him have the fees, because the fees come out of the public. If you do it the other way it comes out of the county treasury.

Mr. ELLIOTT. I was somewhat taken by the majority report of this committee at first. It looked as though it was an economical proposition, but on looking over the file, to the next to the last section four, it seems to me that it is the most damnable proposition submitted to this convention at all. It leaves the gate wide open, and leaves it within the power of the county commissioners to bankrupt any county in this territory. Now the proposition as I understand it, the reason alleged, and I say it at the risk of being called down by the gentleman from Fremont, the reason why this is out in here is because the legislature will not be fit to judge of what the proper salaries for these county officials should be, but that the county commissioners will. In regard to this I will say that I take it when a majority of the public demand that the county fees shall be reduced that the legislature will reduce them. Ever since I have been in Wyoming I have seen from time to time propositions brought in to reduce the salaries of county officers, and what has been the result. They have been defeated by overwhelming majorities, by the representatives of the people themselves. However the majority may seem to feel, the majority have never yet demanded that the fees and salaries shall be reduced, and I say until they do demand that, the legislature will provide some way to keep up the fees and salaries.

Mr. COFFEEN. Just one word on this. I think Sec. 4 is very unwise. But what I want to get at is that the question is not on Sec. 4, but on the adoption of the majority report, a very different thing. I believe the majority report is the best report on which to base a constitutional provision, but I shall be in favor of cutting out Sec. 4.

Mr. CHAIRMAN. Are you ready for the question? The question is on the adoption of Mr. Baxter's amendment.

Mr. ELLIOTT. I rise to a point of order, and I do it with no feeling against Mr. Baxter's amendment, but the point of order that I wish to make is that an amendment is not proper to a motion to strike out. The motion as I understand it is to adopt Sec. 3 or 4 of the minority report in place of a certain section in the majority report.

Mr. BAXTER. I withdraw my amendment for the present.

Mr. POTTER. With the consent of my second I will withdraw my motion for the adoption of the majority report. I made it for the sole purpose of having this question discussed.

Mr. BAXTER. I move to amend Sec. 3 as indicated by my amendment.

Mr. BURRITT. I desire to be heard for a minute or two Mr. Chairman, I am opposed to both this minority report and this majority report for the reason that they are both simply catch pennies for the purpose of securing votes for the ratification of this constitution. I do not know who figured out the schedule of prices for Johnson county, if that is to be included in the first list, and I suppose it is, but whoever did they have certainly made a mistake upon two of the offices. I have had charge of the assessment roll of Johnson county myself, with the assistance of Mr. Elliott, for the past four or five years, I am not sure which. It does not cost the assessor of Johnson county less than five hundred dollars per year to lay the assessment roll upon the desk of the county clerk. That roll, gentlemen, is fair, and there is no guess work about it. Mr. Elliott knows it and so do I. So the assessor's salary as fixed here is too small. Three hundred dollars a year for the superintendent of schools don't pay him for stepping outside of the district in which he is elected. Our district is pretty large and is pretty expensive. But I say there is no occasion for this convention to interfere with this question at all. In Johnson county and Sheridan county in the last election, the issue upon which the canvass was made for members of the house was this question of limiting the fees of county officers and fixing salaries, and that question will be brought up in the legislature next winter. It may not succeed, but that is the place for it to be fixed. And if it is not fixed right the next legislature can fix it over again. There is no reason why this convention should undertake to usurp the rights and duties of those who are to come down here after us, and leave them nothing to do. I am opposed to both reports, the majority most of all, and the minority because it does not leave enough to the legislature.

Mr. SMITH. I have listened with some interest to the discussion here, because this is an important question to the people as well as to the office holder. The ground laid down by a report of the majority of this committee so far as it goes, it seems to me is the right principle. I never yet have been able to convince myself of the correctness of the theory of why because a man is in a public office he should receive four or five times the pay he would get in any other position. In our part of the country I don't recall a sheriff that we have ever had that could command six hundred dollars a year in making his living anywhere else than on the public, yet he has been receiving three thousand dollars and fees amounting to as much more. The men we have had have been good sheriffs, but have received three or four times as much as they would have if they had been working for anybody else than the public. Now as to these reports. I think I prefer the amendment of the gentleman from Laramie, Mr. Baxter, but I think he has made the percentage a little too low. It is true that in some of these little outside counties the fees are very low, and I don't think the amount the sheriff would receive would be sufficient. As to the recorder's fees, I don't know whether it would be policy to turn the fees in or cut the fees down and let the clerk have the fees. It occurs to me that while neither of these reports are complete to meet the case, yet the majority report comes nearer to it. I have had considerable to do with work in our county. In our county it takes twenty thousand dollars to pay the salaries of these officers who could not earn half of it in any other place. A man wants to be elected and he has got to pay for it, and he must have the fees for the campaign fund to get the office. This theory of officers not performing their duties unless they get fees is all wrong, and should be corrected.

Mr. PRESTON. I am opposed to the percentage added to the office of sheriff. My reason for it is that thirty per cent would not pay for horse feed in these little outside counties. In my opinion I think that a sheriff who is elected to protect the rights and interests of the people living in these little outside counties should have enough to pay his expenses in serving a process. It is necessary for every sheriff in these little outside counties to keep at least two horses, and he is necessarily compelled to keep those horses at his own expense. I care not whether the requirements of his office take only one, or two, or three months in the year, he is the sheriff, and it is his duty to be in his office or thereabouts twelve months in the year, and he is certainly entitled to receive from the people who ask him to protect their rights and their property a sufficient sum of money to pay for his meat and fuel. Now in these counties where you now propose to pay a salary of a hundred and twenty-five dollars a month, a hundred and twenty-five dollars a month wont keep a family even in a little outside county like Carbon, and yet you ask him to pay out of this sum of fifteen hundred dollars his expenses in certain civil processes, and certainly the legislature is not going to provide that the sheriff shall receive out of the county treasury his necessary traveling expenses in serving civil processes for somebody else. He don't get enough to pay his expenses for serving a criminal process, much less serving civil processes, and I think in any event the rights of the people that are to be protected by the sheriff worth all of a hundred and twenty-five dollars and give him the fees that he will earn by civil processes. You offer this thirty per cent as an inducement to do that which the legislature will pass laws to compel him to perform. Supposing a man has a writ of attachment and he wants it served immediately a hundred miles from the county seat. You take that writ to the sheriff and say I want it served, and the law requires him to perform his duty. Suppose he says to you I have another duty to perform, he has another paper in his pocket not as important as this writ of attachment. If you undertake to enforce a law against him requiring him to serve this writ, you investigate it, and investigation shows that he is engaged in the performance of some other duty, and I say to you that this thirty per cent wont rectify that mistake. If a man has to pay his expenses, if he has got to pay for the hire of horses, for if he don't keep them it is necessary for him to hire them, if he has got to pay for their feed going and coming, he can save nothing out of the fifteen cents a mile allowed him, and I say to you gentlemen if there is an officer within the territory of Wyoming that is a good servant, and one that ought to be paid, it is the sheriff. If in these little outside counties where the people are complaining of the crime that is committed and the property stolen, you want to be protected and still you want to ask a man to jeopardize his life and take the position for one hundred and twenty-five dollars a month and pay his own expenses in serving processes, when it will cost him that much to live. There is no question but in some counties the officers have been receiving too much, but I don't believe in trying to starve a sheriff to death, especially in these little outside counties, in order to rectify a wrong done in other counties paying their officers too much.

Mr. HAY. I only want to say in reply to the gentleman that there is nothing in the majority report which precludes the payment of expenses in addition to the salary. We fix the salary of the governor of the state, but we don't say that that shall include his office rent or anything else. Or that we prevent his expenses being paid. Salary means salary, that is what he is paid for his work.

Mr. GRANT. I would like to offer an amendment to the amendment offered by Mr. Baxter, by making the schedule fifty, thirty and fifteen per cent.

Mr. BAXTER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that Mr. Baxter's amendment be amended so as to read fifty, thirty and fifteen per cent. Are you ready for the question? All in favor of the amendment offered by Mr. Grant will say aye; contrary no. A division is called for. All in favor of Mr. Grant's amendment will rise and stand until counted—14. Those opposed will rise—15. The motion is lost. The question is now on Mr. Baxter's amendment. All in favor of the amendment offered by Mr. Baxter will say aye; contrary no. The noes have it; the amendment is lost.

Mr. HOLDEN. I desire to offer as a substitute to Sec. 3 of the majority report the following: "The legislature shall by a law, uniform in its provisions, provide for and regulate the fees of all county officers, and for this purpose may classify the counties."

I don't like that amendment. I think we should provide salaries instead of fees for the county officers. I think nine-tenths of the people demand that they shall be salaried in place of this fee system, which has been so abused. I think this word salary must be put in some place, as to the amount that is a very indefinite matter.

Mr. JOHNSTON. I want to make an amendment. Strike out all of the minority report and all of the majority report after the second section, and add to the second section, "and the officer whose duty it shall be to collect such fees shall be held responsible on his bond for neglecting to collect the same."

Mr. CAMPBELL. I move this committee now rise and report these files back to the committee on salaries of public officers, to take action and report again this afternoon.

Mr. HAY. You might just as well lay it on the table at once, for the majority of this committee will refuse to take it back. We got up this report in good faith, and there is no good in sending it back to us. The question might just as well be settled by this convention.

Mr. HOLDEN. I want to withdraw my amendment, and second Mr. Johnston's amendment to strike out all of the majority report after the second section.

Mr. BAXTER. I want to say a word before that is settled. I am in favor of the few words added to Sec. 2, but I am much opposed to striking out the balance of it. If the legislature can fix these salaries so they will be right, we can fix them. Some gentlemen here oppose this because they say it is legislation, and hence not a proper thing to put here. But we have legislation of all kinds in this constitution, so that has nothing to do with it. If we are going to do our duty to the people we must fix this matter so as to cut down the expenses in these counties as they exist today. I have not any desire to cripple the efficiency of the officers in these counties which have a small population, as some of the gentlemen here seem to think would be done, and I want to do whatever is reasonable and just in this matter, but the people are looking to us to do this, and I think we ought to do it right here. And I am therefore opposed to that part of Mr. Johnston's amendment which strikes out Sec. 3

Mr. COFFEEN. I am opposed to this motion to strike out. If you strike out this Sec. 3 you will see the same extravagance in county offices, you go back and this is left just where it was before, and you have squandered the seventy-five thousand dollars on which you could have argued and fought for the ratification of this constitution. Is it nothing to this convention to protect the people to the extent of seventy-five thousand dollars? Is it nothing that you have demanded as individuals that the salaries shall be fixed, and fixed reasonably according to the service to be performed? Is it nothing that you should pass it by and not touch the question and do the duty that is expected of you? The little addition that the gentleman from Laramie has made to Sec. 2 I am in favor of, but when he moves to strike out this section which provides for the salaries for the three classes of counties, I am opposed to it. I am myself in favor of a reduction in salaries to a reasonable amount, and this section provides for a reasonable amount, or very nearly so. Let us abolish this system which costs us more than statehood will cost us.

Mr. CHAIRMAN. Gentlemen, the question is on the adoption of Mr. Johnston's amendment. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. RINER. I move to strike out Secs. 3, 4 and 5 of the majority report.

Mr. HOLDEN. Second the motion.

Mr. HAY. I am in favor of the amendment under the present circumstances. I believe we will sit here for ten days before we can decide on Sec. 3. I see there is a very strong disposition to leave that part out of the constitution for various reasons. The first two sections state the principle and are entirely proper for a constitutional provision, and I am willing to take that if I cannot get any more. Consequently in order to settle this matter, I shall favor the amendment to strike out and let it go at that and trust to the legislature.

Mr. HOLDEN. As I understand the motion of the gentleman from Laramie, it is the same motion which was made by Mr. Johnston. Now I believe that all county officers should be salaried. I think that is right, but I do not believe that it is the duty of this convention to fix those salaries. By Secs. 1 and 2 of this majority report we make it the duty of the legislature to fix the salaries of all county officers. Now I tell you why I would be opposed to fixing these salaries at this time, and placing them in this constitution, for this reason. When that provision goes into the constitution, it will be a fixture. It cannot be changed for a term of years to say the least. Now for that reason alone we should leave this matter so it can be changed, and for that reason I intend to vote for this motion to strike out all the balance, and leave that matter to the legislature. By these two sections you make it their duty to salary these officers, and I propose to leave it to them to fix the amount. And to leave it within their power to change it whenever the circumstances of the case seem to require it.

Mr. BAXTER. I don't know just how this business stands before the house, but I have an amendment which I desire to offer in deference to Mr. Preston's ideas about this matter. He seems to think that the efficiency of the sheriff is going to be crippled, so after fixing the salaries as provided by Sec. 3, I desire to add: "That the legislature may provide by law that the sheriff in any county of the state having a total valuation of two million or less, may retain all fees collected according to law." I have just been told that one-half in civil cases would amount to nothing at all, and that he should be allowed to retain all. Then I would go on and classify the counties, in counties of less than three million and more than two he would have fifty per cent, and more than three millions and less than four, thirty per cent, and counties exceeding four millions fifteen per cent.

Mr. COFFEEN. I shall hold to the last in having salaries instead of fees.

Mr. CHAIRMAN. Gentlemen, the question is on the motion offered by Mr. Riner to strike out all of Secs. 3, 4 and 5. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. FOX. The only way I can see that this can be fixed will be to take one of these at a time. Fix the fees of the sheriff, the treasurer, the county clerk, all separately. We will never get at it in any other way.

Mr. MORGAN. I move this committee arise and report this back to a committee of one from each county to fix it.

Mr. CHAIRMAN. Gentlemen, you have heard Mr. Morgan's amendment. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. COFFEEN. I desire to offer an amendment to Sec. 4. Strike out Sec. 4 and insert the following: "The legislature shall provide by law for such deputies as the public necessities may demand, and fix a reasonable compensation therefor."

Mr. CHAIRMAN. Gentlemen you have heard Mr. Coffeen's amendment read. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. BAXTER. I move this committee rise, report progress and ask leave to sit again.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. You have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise.

(Report of committee of the whole.)

Mr. PRESIDENT. What is your pleasure, gentlemen?

Mr. RINER. I move the report be adopted.

Mr. PRESIDENT. All in favor of the adoption of the report of the committee of the whole will say aye; contrary no. The ayes have it; the report stands adopted.

Mr. RINER. I move we take a recess until half past seven this evening.

Mr. PRESIDENT. It is moved and seconded that we now take a recess until seven thirty this evening. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

EVENING SESSION.

Friday evening, Sept. 27.

Mr. PRESIDENT. Convention will come to order.

Mr. BURRITT. I move we go into committee of the whole for consideration of the general file.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it. We are now in committee of the whole. Will Mr. Burritt take the chair?

Mr. CHAIRMAN. We have before us for consideration the substitute for Files 61, 65, 80 and 83. We were discussing Sec. 3 when the committee arose. Are there any further amendments to Sec. 3?

Mr. BROWN. I move to amend Sec. 2 by adding to the section, "Provided that in addition to the salary of sheriffs they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment to Sec. 2 as offered by Judge Brown will say aye; contrary no. The ayes have it; the motion prevails. Sec. 2 is so amended.

Mr. GRANT. In the seventh line where it provides that the county assessor shall be paid five hundred dollars per year, I move to strike out "five hundred" and insert "one thousand."

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that in the seventh line of Sec. 3 the words "five hundred dollars" be stricken out and "one thousand dollars" inserted. Are you ready for the question?

Mr. COFFEEN. I do not wish to retard the business of the convention, but on behalf of one of the three counties which are included in this class, I would prefer to wait a little, to have an idea of what is to be done in the other counties that are represented in these other two classes, on which I shall have to vote.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the motion prevails.

Mr. GRANT. In line seventeen, I move to strike out "seven hundred and fifty" and insert "twelve hundred."

Mr. CHAIRMAN. It is moved and seconded that in the seventeenth line the words "seven hundred and fifty" be stricken out and "twelve hundred" inserted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Are there any further amendments?

Mr. HAY. In Sec. 3 in the fifth line, after the words "county clerk" I want to insert the words "the county and prosecuting attorney shall not be paid more than twelve hundred dollars a year."

Mr. CHAIRMAN. It is moved and seconded that after the fifth line there shall be inserted the following, "the county and prosecuting attorney shall not be paid more than twelve hundred dollars per year." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HAY. Between the eighteenth and nineteenth lines insert "the county and prosecuting attorney shall not be paid more than fifteen hundred dollars per year."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion of Mr. Hay will say aye; controry no. The ayes have it: the motion prevails.

Mr. HAY. Between the twenty-eighth and twenty-ninth lines insert "the county and prosecuting attorney shall not be paid more than twenty-five hundred dollars per year."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment offered by the gentleman from Laramie will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HAY. It has been suggested by some on this floor that some provision be made for the clerk of the district court, but I prefer that some one else make the motion.

Mr. GRANT. I move that Sec. 4 be stricken out. I don't think it is in quite the right shape.

Mr. BAXTER. Second the motion.

Mr CHAIRMAN. It is moved and seconded that Sec. 4 be stricken out. Are you ready for the question?

Mr. COFFEEN. I move to amend that by adding and inserting in lieu thereof the following: "The legislature shall provide by general law for such deputies as the public necessities may demand, and fix a reasonable compensation therefor."

Mr. GRANT. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion by Mr. Coffeen will say aye; contrary no. The ayes have it; the motion prevails. The section is so amended. Any other amendments?

Mr. FOX. I don't think it is good policy to rush through at railroad speed. I think if the clerk of the court is required that we should fix his salary.

Mr. CHAIRMAN. Are there any further amendments?

Mr. GRANT. I move to strike out the words "three hundred" in the eighth line and insert "five hundred."

Mr. CHAIRMAN. It is moved that "three hundred" in the eighth line be stricken out and "five hundred" inserted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. GRANT. In the nineteenth line I move to strike out "five hundred" and insert "seven hundred and fifty."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. FOX. For the last class I think the salaries are too high. I move to amend by striking out in the twenty-second line "three thousand" and making it "twenty-five hundred."

Mr. ORGAN. Second.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment offered by Mr. Fox will say aye; contrary no. The ayes have it; the motion prevails.

Mr. FOX. In line twenty-three strike out "twenty-five hundred and insert "two thousand" per year.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. FOX. In line twenty-five strike out "twenty-five hundred" and insert "two thousand."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. FOX. I move to insert between lines twenty-six and twenty-seven "The county and prosecuting attorney shall be allowed two thousand dollars per year."

Mr. COFFEEN. Second.

Mr. CAMPBELL. I have been a partner of two of the prosecuting attorneys of Laramie county, and I will say right here he is poorly paid at two thousand five hundred dollars. I would not take the office in this county, and do the work that the prosecuting attorney has had to do during the last three yeas for twenty-five hundred dollars a year, and get the abuse he does. Twenty-five hundred dollars is too low for the prosecuting attorney of this county.

Mr. HAY. I think it ought to be left as it is. It is a very important position, and we ought to make it enough so as to be able to get a good man to be willing to take the place.

Mr. RINER. I would not do the work for less than twenty-five hundred dollars.

Mr. COFFEEN. I have just a word to say on this. It seems to me that we ought to leave this to the wishes of the gentlemen of Laramie county. Let them decide the question for themselves.

Mr. CHAIRMAN. Gentlemen, you have heard the motion to make this salary of the county attorney two thousand dollars. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The salary stands at twenty-five hundred dollars per year. Any further amendments?

Mr. HAY. I am not satisfied with that amendment which Judge Brown put in, about sheriffs retaining all the fees, and I now move to amend to give him fifty per cent of all the fees in civil cases.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that the sheriff in civil cases shall receive fifty per cent of the fees. Are your ready for the question?

Mr. HARVEY. I will say in explanation that these civil fees will not amount to anything in our county, it is nothing like what it is in these larger counties. Where the principal money is made by the sheriff in Laramie county and Albany county, as I understand it, is in boarding the prisoners, as I understand they board them for about twenty cents and get sixty cents.

Mr. HAY. It seems to me that the argument used here so often this afternoon that the fees come out of the litigators pockets don't cut any figure, if they come out of the litigators pockets and go into the county treasury it is all right, and I don't see any reason why you cut down all these other officials and still leave the sheriff's salary about the same, and let them have all the fees.

Mr. GRANT. I move to cut that down to two thousand, strike out "three' in line twenty-two and insert "two" instead.

Mr. CHAIRMAN. The motion is pending to reduce the amount of his fees to fifty per cent instead of giving them all of it.

Mr. COFFEEN. I shall vote for this because it will help reduce the expenses of the county down one-half.

Mr. CHAIRMAN. Are you ready for the question? All in favor of the motion to reduce this to fifty per cent will say aye; contrary no. The noes have it; the motion is lost.

Mr. GRANT. I now move to strike out "three thousand" and insert "two thousand" in the twenty-second line.

Mr. CHAIRMAN. Gentlemen, you have heard the motion of the gentleman from Albany. Are you ready for the question? All in favor of striking out the word "three" and inserting "two" in lieu thereof will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments?

Mr. RINER. I move when this committee arise they report back this file with the recommendation that it be adopted as amended.

Mr. CHAIRMAN. Gentlemen, I will put the question in just a moment, but want to call your attention to the fact that you have left out one county officer who makes more money than any other county officer in proportion to the amount of work he does at least in our county. I allude to the county surveyor.

Mr. RINER. I will withdraw my motion for the purpose of having the county surveyor put in.

Mr. CLARK. I move to insert after the last line in Sec. 3 the following: "The county surveyor in all counties shall receive eight dollars per day for each day actually employed."

Mr. BROWN. I rise to make an inquiry. Are not county surveyors paid by contract for all that they do?

Mr. CHAIRMAN. I would simply say in answer to that that the compensation of county surveyors is fixed by law at so much per day with expenses and deputies thrown in, until the amount counts up enormously, at least it does in Johnson county. Gentlemen, you have heard the amendment of Mr. Clark. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HOLDEN. I would like to inquire whether we have made any provision with reference to the salary of the district clerk.

Mr. CHAIRMAN. It is provided for in the legislative file. Gentlemen you have now disposed of the substitute for 61, 65, 80 and 83. What is your pleasure?

Mr. RINER. I move when this committee arise they report back this file with the recommendation that it be adopted as a part of the constitution.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails: Gentlemen, the next thing on the general file is proposition No. 92, which I believe was not printed. The clerk will please read it.

(Reading of proposition No. 92.)

"The homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without joint consent of the husband and wife, when that relation exists, but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon."

Mr. BROWN. I move when this committee arise that file be reported back with the recommendation that it be then adopted.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that when this committee arise they report back File 92 with the recommendation that it be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

The next matter for your consideration is the report of the joint committee on sections to be substituted for certain sections in the schedule. The clerk will read the substitute for Sec. 20.

"Members of the legislature and all state officers, district and supreme judges, elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term."

You have heard the substitute. Are you ready for the question? All in favor of the substitute as reported by the joint committee will say aye; contrary no. The ayes have it; the motion prevails.

The secretary will read Sec. 21 as reported by the joint committee.

"If the first session of the legislature under this constitution should be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted."

The question is on the substitute. All in favor of this substitute will say aye; contrary no. The ayes have it; the substitute is adopted.

For Sec. 22 the committee recommend this substitute: "The first regular election that would otherwise occur following the first session of the legislature shall be omitted, and all county and precinct officers elected at the first election held under this constitution shall hold their offices for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification."

Mr. POTTER. This is the section that created the most difficulty in the committee and also with the committee of the whole. I think we tried it about a dozen times, and the more we tried in a worse muddle we found ourselves, so we concluded to leave it just this way. If we held an election, if we held the first election for all county officers as provided by our territorial law, the difficulty was this, and it seemed to me a particularly good objection. The legislature at its first session might enact laws providing for an entirely different set of officers, or for changing one office to another, or for combining some of the offices, then we would have officers elected for two years with a statute not providing for any such officers, and we have already provided that the county officers under the territorial law should remain in office until their term expired.

Mr. BROWN. As to this matter of offices, there could be no trouble for this reason. The legislature would provide for officers to take effect after the end of the term of those elected. If they wanted to make any change in the offices, they could provide that the officers elected at the first election should continue in office until their terms expired, the legislature proving that any officers that they desire to take effect after those terms expired.

Mr. POTTER. I will state that so far as the committee is concerned any way it can be fixed up so there will be no conflict will be satisfactory to the committee. We have had a good deal of difficulty about this matter, and as Judge Brown suggests now, I can see it can be made so the legislature can provide that the law should take effect some time in the future, but in order to do this I think we will have to go back to a previous section and provide for the election, and fix it so that it shall include county officers.

Mr. CHAIRMAN. The question is on the adoption of Sec. 23. Are you ready for the question? All in favor of the adoption of the substitute will say aye; contrary no. The ayes have it; the substitute is adopted.

The secretary will read the substitute for Sec. 24.

"This convention does hereby declare on behalf of the people of the territory of Wyoming, that this constitution has been prepared and submitted to the people of the territory of Wyoming, for their rejection or adoption; with no purpose of setting up or organizing a state government until such time as the congress of the United States shall enact a law for the admission of the territory of Wyoming as a state under its provisions."

Mr. RINER. In order to bring the matter up, I want to offer an amendment, "This constitution shall not be submitted until an act of congress authorizing us to call an election shall be passed."

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question?

Mr. RINER. I rise to a question of privilege, and want to talk about this for a moment. It has been suggested to me, and it seems to me with a good deal of force, that if we submit this constitution this fall, in view of the action taken by some of the counties when the governor called an election for this convention, the county attorneys of three of the counties advised that they had no authority to incur the expense of an election, is not the result going to be not to exceed a two or three thousand vote on the constitution, when as a matter of fact we had over eighteen thousand votes at our last general election. This has been suggested to me by several gentlemen in this town, and men upon whose judgment I am disposed to rely as to such matters. I think the matter ought to be very carefully considered by this convention before we decide upon it. I voted in favor of its immediate submission last night myself; but I think the suggestion is a good one, and it may work harm if we follow the course adopted last night.

Mr. MORGAN. It would seem as if we rather questioned the legality of our own proceedings.

Mr. GRANT. I move that it be laid on the table.

Mr. CHAIRMAN. Gentlemen, the question is on the adoption of the substitute as submitted by the joint committee. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the substitute stands adopted.

Mr. BROWN. Following out the suggestions made by Mr. Potter a few moments ago, I wish to offer an amendment to Sec. 8. In line six, after the word "district," insert the word "county," and after the word "constitution" in the seventh line add "and such other county and precinct officers as are provided by territorial law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended.

Mr. BROWN. I move when this committee arise they report back this File 89 with the recommendation that it be adopted as amended.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails, and it is so recommended.

Mr. RINER. I move this committee now rise and report.

Mr. CHAIRMAN. It is moved this committee now rise and report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise and report.

Mr. PRESIDENT. You have heard the report of your committee of the whole; what is you pleasure?

Mr. RINER. I move the report be adopted.

Mr. PRESIDENT. All in favor of the motion that the report be adopted will say aye; contrary no. The ayes have it; the motion prevails.

Mr. GRANT. I move we now take up the substitute for Files 61, 65, 80 and 83, and put it upon its final passage.

Mr. PRESIDENT. It is moved and seconded that the substitute for Files 61, 65, 80 and 83 be taken up and put upon its final passage. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. It will now be put upon its final passage. Are there any further amendments?

Mr. GRANT. I move to amend Sec. 3, in line twelve. I move to amend by striking out "two thousand" and inserting "fifteen hundred."

Mr. CLARK. It seems to me we are using the knife pretty freely here tonight without thinking what we are doing at all. This provision that the sheriffs in the territory in the counties where the territory covered is large and the criminal business fully as important as in this county, and where more serious crimes if anything are committed; that he shall be cut down to fifteen hundred dollars, I think we ought to think twice before we do it. I am satisfied he receives no more than he ought to receive. The sheriff in this county has a large percentage which he receives now in fees and more from the board of prisoners, and it seems to me that this should be left as it is. I don't believe in this thing at all of the convention fixing salaries, but if you are going to do it, I want to ask you to think once or twice before you use the knife as you have been doing.

Mr. IRVINE. I hope the motion to amend will not prevail. There is no question but that the sheriff of our county does more desperate work, more dangerous work, than the sheriff of Laramie county. The sheriff of this county seldom goes out of his office, whereas the sheriff of Converse county is constantly called upon to arrest dangerous men. He is entitled to two thousand dollars. He ought to be well paid for the danger he runs.

Mr. ELLIOTT. I will just say one word, and I speak from experience, in regard to this matter, for one of the counties in the north. I have been for part of three years the prosecuting attorney of Johnson county, and the greatest difficulty I have had with the officers all that time has been with the sheriff on account of his expense bills, and I say to this convention right here, that in attempting to cure one evil, they are not curing the greater evil at all. The great expense is in the sheriff putting in these bills for every little thing he does. If we can provide for the criminal work he does for the county it is proper he should receive the civil fees, if we provide he shall receive a salary, that the legislature shall fix a salary which he shall receive in lieu of whatever he shall receive from the county for his services, I believe we will come more near to reaching the evil.

Mr. CHAIRMAN. The question is on the motion to strike out "two thousand" and insert "fifteen hundred." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. If there are no further amendments, the question is on the final reading of the file as amended. The secretary will read the file as amended.

(Final reading of the file.)

The secretary will call the roll. All who are of the opininon that the file as read be adopted will say aye as their names are called; those of the contrary opinion wil say no.

Mr. BURRITT. I don't imagine this will accomplish anything that the convention anticipates it will, but in deference to the principle I vote aye.

Mr. CLARK. In view of the fact that I am opposed to the principle of a constitutional convention fixing the salaries of county officers I vote no.

Mr. SMITH. I vote aye under protest.

Mr. TESCHEMACHER. I vote no on the ground that I object very strongly to the constitutional convention fixing any officer's salary.

Mr. PRESIDENT. Your vote on the substitute for Files 61, 65, 80 and 83 is as follows: Ayes, 21; noes, 8; absent, 20. By your vote you have adopted the file as a part of the constitution.

Mr. CAMPBELL. I move we adjourn util 9 o'clock tomorrow morning.

Mr. PRESIDENT. There is one more file that we might dispose of this evening, a short one, File 92.

Mr. BURRITT. I move it be put upon its final reading and passage.

Mr. PRESIDENT. It is moved and seconded that File 92 be placed upon its final reading and passage. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion prevails.

Final reading of File No. 92. All who are of the opinion that File 92 be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on File No. 92 is as follows: Ayes, 30; noes, none; absent, 19. By your vote you have adopted the file as a part of the constitution of Wyoming. File No. 92 and the substitue for Files 61, 65, 80 and 83 will be referred to the committee on revision.

Mr. RINER. I move we adjourn utnil 9 o'clock tomorrow morning.

Mr. PRESIDENT. Gentlemen, it is moved that we adjourn until 9 o'clock tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it. The convention will take a recess until 9 o'clock tomorrow morning..

TWENTY-FOURTH DAY.

Morning Session.

Saturday, Sept. 28, 1889.

Mr. PRESIDENT. The convention will come to order.

The secretary will call the roll.

The secretary will read the journal for yesterday.

Is there objection to the journal as read? The chair hears none. The record will stand approved.

Mr. CAMPBELL. As we are nearing the close of the session of this convention and as we have got along pleasantly and harmoniously with the exception of a little unpleasantness caused by myself losing my temper, I desire here to apologize to this convention and to the gentleman from Sheridan for the language used by me on the morning of the 17th of this month. As the language was used publicly I want the apology to be public, and I most sincerely apologize to this convention and to Mr. Coffeen for my conduct on that occasion, and I ask that my language be expunged from the record, as I understand that can be done with the consent of the convention.

Mr. PRESIDENT. Is there objection to the language so far as it appears on the record being expunged therefrom? The chair hears none. It is so ordered.

Mr. COFFEEN. I think under the circumstances a word from me at this time is necessary. If I should remain silent it might be thought I did not appreciate the feelings and magnanimity expressed here. I want to say and truthfully that I do not in my own heart as against the gentleman speaking, or against any other person in this convention, cherish anything but the kindest feelings, and so far as the apology is concerned, no apology on his behalf was needed, or was necessary, so far as I am concerned.

Mr. MORGAN. I desire to offer a resolution relative to the final adjournment of this convention. It is this: "Resolved, when this convention adjourn it may be reconvened at the call of the president." I offer this, Mr. President, so as to provide for any emergency which might arise which would necessitate the calling of a convention.

Mr. PRESIDENT. Is there any objection to the immediate consideration of the resolution? The chair hears none. All in favor of the adoption of the resolution will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HOYT. We are nearing the conclusion of our labors, and when we consider all the articles that are to be adopted, to be embodied in the constitution, I doubt not that every member of the convention has been in his own mind reviewing the work of the past thirty days, and that many have found in their minds some anxiety on account of certain provisions embraced in articles adopted, on account of the expenses which are certain to be attached to the government of the state under the constitution. I do not know, sir, that it would be found practicable to advise any reduction of expenses already agreed upon, but I think that you will all concur with me in the thought that it is very desirable, if found possible, to make some reductions in the expenses of the state government, which now appears will fall but very little short of one hundred thousand dollars. I therefore move that a committee of five members be appointed whose duty it shall be to review the whole field of the constitution with a view to such reduction of the expenses of the state as shall seem practicable, said committee to report at the earliest hour possible, and their report to be considered and acted upon without debate. In this connection I would also suggest whether or not it would not also be practicable for the legislative committee to review the work embracing the question of legislation to see whether we may not find something there to be corrected. I suggest this so that we may perfect this instrument which we have made. I believe we have a grand constitution, one which will commend itself to the people of this state, to congress and the country. Therefore let us perfect it if possible in every particular.

Mr. SMITH. I don't know anything that the committee can do, but being heartily in sympathy with the end in view, if anything can be done, I second the motion.

Mr. PRESIDENT. The question is on the adoption of the motion of the gentleman from Albany, to appoint a select committee to consider the matters of the expense of the state government, as presented by several provisions of the constitution. Are you ready for the question?

Mr. BAXTER. I rise to ask the gentleman who offered this what provisions he would modify that have been adopted? I hardly believe that the committee could make alterations that would be likely to carry, unless some opportunity was given to discuss the wisdom of the proposed changes. If such a committee up on their investigation would recommend such changes be made as would cut down the expenses, I do not believe it would be possible to carry them through, if debate was cut off.

Mr. GRANT. It seems to me that the committee appointed on address to the people could attend to this if necessary. They have to go over the whole constitution, and they could recommend such changes as may seem to them advisable.

Mr. HAY. I don't agree with the gentleman from Albany in regard to that. The class of subjects that the committee on address to the people have to go over is very large, they have to review the whole constitution, and they have as yet been able to do nothing. I think if this is to be done at all, it should be done by a special committee. The committee on address to the people have no time to give to it.

Mr. HARVEY. I don't understand the powers of this committee. Would they have power to strike out this or strike out that?

Mr. PRESIDENT. No power at all except to report any changes the committee think desirable to the convention. Are you ready for the question? All in favor of the appointment of a special committee will say aye; contrary no. The noes have it; the motion is lost.

Mr. HOYT. I have a proposition to offer which may take such course as seems proper. "The legislature shall make such provision by law as shall be calculated to secure the best faithful service for all minor places in the state, county and municipal government, regardless of considerations purely political."

Mr. PRESIDENT. Is there objection to the immediate consideration of the proposition? The chair hears none. The question is upon the final reading and passage of the proposition as presented.

Mr. COFFEEN. I think I shall object to this, if it is allowed to go on with a view to putting people on record, unless discussion is allowed. The gist of the whole matter is that it is simply introduced for the purpose of securing an endorsement of the civil service ideas that are agitating the country. This question has been tested once and settled, and to have it come up in this manner I believe I shall object to its coming up unless time is given to discuss it fully and freely. I do not think we have time, and I think it better that the resolution be withdrawn.

Mr. BROWN. I called for objection to the consideration of this proposition, and none being offered, by the unanimous consent of the convention the matter is now before the convention for its final action at this time.

Mr. HOYT. In answer to the remaks made by our friend from Sheridan that this proposition was introduced here because I believed the section which was presented by the committee on elections and qualifications to office, was rejected on account of the form in which it was presented, and not because there was any objection to the principle involved in the section, I had assumed in a body of gentlemen, such as compose this convention, who come here for the purpose of framing a constitution, men who come not as the representatives of any party, not as the representatives of any special or local interests, but who are gathered here to frame a constitution which is to guide the legislature, and is to limit its powers in the future, for a long period of years, would look so carefully and impartially into the matter of securing purity of elections and honesty of administration, that there would be no debate whatever upon the subject. I assumed that the principle that laid down that the people have the right to the best service that can be had, and that in the offices which are not political in any sense of the word whatever, the minor appointees in the minor offices which exist in the state, and in the county and municipal governments, shall be appointed because of their qualifications, that justice shall be done to their abilities. He says it is an endorsement of the civil service reform. I say that it is intended for no such thing. I have no connection with the civil service reform movement, I have never been a member of any of its organizations, I simply sympathize with the great end in view, that of securing the best service for the people in every branch of the government, and now that we are framing our constitution I believe that a wise general proposition, which would leave to the legislature full discretion in the matter as to what shall be done, as to the manner in which they shall protect the interests of the people, in this regard, would be acceptable to all.

Mr. CLARK. I heartily agree with all that has been said by Governor Hoyt, and endorse all he has said, but I do not desire to endorse with my vote the resolution which he has offered. Notwithstanding the argument by Governor Hoyt it is a resolution which gives an endorsement of the civil service reform policy of this government, a policy with which I have never been in sympathy, because I believe it is a delusion and a snare, a lot of political clap trap which does not accomplish the end sought at all.

Mr. BURRITT. I desire to say amen to what has just been said by the gentleman from Uinta.

Mr. HOYT. He is in sympathy with the object, but not in favor of doing anything to prevent. The object is to secure good service for the state and local government, irrespective of political considerations, so far as the objects are concerned. There are some offices which are political. The policy of the party must be represented by men who are elected to the office to administer the government and carry out the policy of the party. They must be in harmony with it. But what has the door keeper, the correspondent, what has the book-keeper, the stenographer in any department or branch of the government to do with party politics? What has the clerk who is employed in the interior department to draft maps, or the man who goes out by his direction to make a survey, what has he to do with party politics? He says it is a delusion and a snare. I cite him to the fact that for half a century the people of England have been struggling with this great problem, how to improve the civil service of their country. That grand old man, William E. Gladstone, stands before the world as a man who has given this question a great deal of study, and he has declared that the work which has been accomplished there is of incalculable value to the civil service of the world, a country with a civil service which has been lifted out of the mire of party politics and placed upon a broad and substantial basis, the best service, the best administrative service I believe on the face of the world, and it is because, sir, of the struggle against the power and corruption of parties politic, and the purpose to restore to this government something like purity of administration, that the movement was begun in this country, and one which had the endorsement of all the presidents from Grant down to the present time, the principle involved in this proposition that the minor offices, which are in no sense political, shall be conducted in the interests of the people without any regard to party considerations whatever.

Mr. SUTHERLAND. I just simply want to say that I think civil service is one of the greatest frauds that ever was known. Every president has always said that the best man should have the place, but I notice the best man is always the man who has the boodle. I have often heard it said that every one of our presidents has advocated the policy that the soldier should have the preference, the man who served during the war should have the preference, but I notice that the man who did the most work on election day is the man who got the appointment, and for that reason I consider it a fraud. I have seen it right here in this hall, no matter how good a man was, no matter how faithfully he had served his country, in her darkest hour, he could not get to be even door keeper of this building. I refer to our last legislature, just because the man didn't belong to their political party he could not have the place. For that reason I believe it a fraud, and it ought to be left out.

Mr. MORGAN. In my judgment the people are deeply, honestly and sincerely in favor of what is known as civil service reform. They have shown it in many ways. They are showing their interest in it every year. They are showing it in the fact that they elect men to represent them in the legislatures, in congress, and when they send men to represent them in the senate. They continue the terms of those whom they deem honest, faithful and able servants, and it is well that the people should care for a principle of that kind. This government was not created for the purpose of giving office to any one. It was created that the welfare and best interests of the people should be subserved. The people have found out and are finding out more and more each day that it serves their interests when they find an honest, capable and efficient servant, to keep him. This is more particularly so in representative bodies, and so it will follow down all through the whole class of officers to a considerable extent. The people are taking a greater interest in this each year, and I would not like to see this convention decide that it is a delusion and a fraud, because it is not.

Mr. PRESTON. I am opposed to this resolution for the reason that I think it is one of the main planks in the platform upon which the mugwumps stand. I was educated in the Jeffersonian school, and believe in its principles, and one of those is that to the victor belongs the spoils. I think that this civil service reform platform or proposition is a delusion and a snare. Now the idea of asking a man who is elected to fill an important office, supposing the state treasurer's office of the state of Wyoming, a man is elected to hold that position, and under this civil service reform he is compelled to keep clerks that he don't want. He has no right to discharge them if they are able to perform the duties of the office, and still at the same time they may not agree with him at all, and I say when a man is elected he has the right to employ such clerks as he sees fit to employ. He has the right to make his own choice. You take for instance a case that came up in the war department, where a quartermaster had been appointed, discharged all the clerks that had been kept before, who had been appointed by the government, and the question came up in the war department as to his authority to discharge them, and he raised the question that inasmuch as he was responsible for the property and the business, he had the right to employ whomever he saw fit, and for that reason I am opposed to this civil service reform business. Under the educational clause that you have inserted in your constitution, there will be no occasion for civil service reform. They will all be qualified.

Mr. HOPKINS. I merely wish to express my admiration for the Jeffersonian simplicity of my friend from Fremont.

Mr. SMITH. I don't believe there are half a dozen members on this floor but who are in sympathy with a measure of this kind so far as practical. If I was president of the United States the fact that a man had done good service on election day and during the campaign would be no objection to his appointment to office, and I believe President Harrison believed the same thing. Yet on the other hand if I could not find a Republican who I considered fitted to fill an office and I could find a Democrat who was better qualified and could fill the office better than any Republican I knew, I would not refuse to appoint that man simply because he was a Democrat, and I think that this is as far as the proposition offered here goes. That the legislature shall take such steps as will secure the best service for the state.

Mr. COFFEEN. If this resolution does not carry is it not left to their discretion to do that anyway?

Mr. KNIGHT. I wish to join in with my little story and state my experience. I was a victim of civil service reform. I held a position for four years and then lost it because I was a Republican, and I want to say to you that this civil service reform is a delusion and a snare in one respect. A man fills a little petty office until he loses all confidence in himself, that he ought to have to enable him to start out in any other pursuit. I actually thought when I lost the office of clerk of the court that I was going to starve to death, I tell you the condition I was in when I lost my office was something terrible. I was unfitted for business, when as a matter of fact I ought to have lost it years before. I would have been a much better man today, a much better citizen, if I had not spent so much time sitting in a chair in a little petty office. Civil service is not applicable to this territory as it is in the east, where you have to have the influence of a United States senator even to get a position as clerk in a grocery store. Every man in this territory is permitted to show what he can do. Now I say to those who want to fill a government position, let them understand they must do their work well and when their term expires be ready to give the other fellow a chance. So I say to you that civil service reform is not as great a necessity as it is made to appear.

Mr. JOHNSTON. I believe in allowing a man to chose his own employes. Can you secure an efficient man to take charge of any public works unless he would have the privilege of appointing his laborers. And it is the same way in a public office. Can you get an efficient man to take charge of the work if you don't allow him the same privilege. Take the engineer's office, suppose he has a man there making maps, who is not in accord with the office, and working under the control of the state, do you suppose he would be as careful as if he was subject to the control of that man? I think not.

Mr. ELLIOTT. I should like to ask Governor Hoyt if this principle of which he has spoken should apply to subordinates, why it should not apply to principals even in a greater degree?

Mr. HOYT. The priciples should apply to principals where the position is not in the nature of a political one. The office of governor, secretary of state and so on, must be filled by men who will enforce the principles of the party who carried the election. And that is right, but when you come to offices that are not political, they ought to be filled in the interest of the service, so that the people may have the best service obtainable.

Mr. BROWN. I have a suggestion to make. We want to get into the union as a state, and it is possible that this resolution might occasion some remark in congress. The question is on the resolution of the gentleman from Albany. The ayes and noes will be called. All in favor of the resolution will say aye as their names are called; those of the opposing opinion will say no.

Mr. RINER. I vote no because I am opposed to the principle. If I believed in the principle I should vote aye. If I was in office I don't think I would give them a chance to remove me, I would resign.

Mr. TESCHEMACHER. I have kept so very quiet during the debate that I think it is absolutely necessary for me to explain my vote. I belong to the party mentioned by Mr. Preston. I am a mugwump and am proud of it, and one of the horses that we ride is civil service reform. Now I know that the horse was not in the race when this proposition was brought forward in the committee of which I was a member, I told the committee that the horse was not fit to run just now, and he certainly was not fit to run in Wyoming. Consequently I signed the minority report of this committee, hoping that the section would be stricken out, and that I should be saved from a good deal of personal abuse which I would receive if a discussion came up on this subject, but having come up, believing in the principle as I do, I vote aye.

Mr. PRESIDENT. Gentlemen, your vote on the proposition is as follows: Ayes, 11; noes, 21; absent, 17. Gentlemen, by your vote you have refused to incorporate the proposition into the constitution.

Mr. BURRITT. I desire to offer a proposition which has been hastily prepared. "No person shall be permitted to vote, serve as a juror or hold any civil office, who has at any time been convicted of an infamous crime, and not been restored to the rights of citizenship, or is a bigamist or polygamist, or is a believer in or enters into what is known as plural or celestial marriage, or in violation of any law of this state, or of the United States effecting any such crime."

I would like to have that referred to the committee on elections. This is the proposition of the Edmunds-Tucker law, and I think it necessary that we incorporate it in our constitution.

Mr. RINER. I move the rules be suspended and the proposition immediately considered.

Mr. PRESIDENT. The question is on the suspension of the rules for the immediate consideration of the proposition. Are you ready for the question? All in favor of the motion to suspend the rules will say aye; contrary no. The ayes have it; the motion to suspend the rules prevails.

Mr. PRESIDENT. The question is on the final reading and passage of the file. All in favor of the proposition presented by the gentleman from Johnson, Mr. Burritt, will say aye; contrary no. The ayes have it; the motion prevails. The question is upon the final reading of the file. The ayes and noes are called for.

Mr. RUSSELL. Before voting on this question, I desire to say one thing in regard to this matter. Probably some gentlemen here have a pocketful of speeches prepared upon this question. I have not, and I wish merely to say that I thought this question already incorporated in the bill of rights, and in one section of the bill on education and public morals. I think the language of this section will have a bad effect upon a good many good citizens of Wyoming. It makes little difference as to their belief, if they are good, law abiding citizens, and why should you point a finger at them specially. I think that the gentlemen of this convention have shown too much wisdom in their deliberations to take the chances of pointing a special finger at a great many good citizens of Wyoming. We expect to ask these citizens to ratify this constitution, and I think they may naturally and would have the right to do so, when a finger is specially pointed at them in this way. This question has never come up in Wyoming and become a matter which Wyoming needs to fear. Wyoming today, while it may be populated with a good many of this class of people who believe this way, they have proved themselves to be law abiding citizens and peaceful citizens. I do not think it is right or just this committee did not consider this question before, it has been kept back and offered now at this last day without any notice, and I think for this reason it should be left out. Make it so it won't point directly at one class of individuals or people. I think the laws so far adopted in this constitution covers the ground, and I think it can be well left to the legislature to deal with. It shows a lack of confidence in ourselves and in our law making body to put this in here, it shows a weakness, that we are afraid that we are not going to be able to cope with these people in Wyoming. I do not think they have ever caused any trouble in our territory. I think that the wisdom of the gentlemen in this body can see this matter, and do what is right. I hope this will not be inserted in the constitution.

Mr. BURRITT. I simply desire to say on behalf of the committee on elections, and I speak for the committee, the chairman being absent, and I believe I attended all the sessions of this committee except one, this question was never presented to that committee by one single individual, nor did anyone as I now remember call their attention to it, and when the gentleman from Uinta, who probably speaks as he believes, says this has been held back by the committee and sprung upon them the last day of the convention he, unintentionally, no doubt, does the committee great injustice. I will say for the benefit of the gentleman who has just spoken against the adoption of this proposition, that this is a very mild proposition. It is simply the provision of the United States law upon the subject, so far as I am able to understand it. Although the provision of the Idaho constitution on this subject has been lauded to the heavens by congress and by those on the outside, I have no sympathy with the provision contained in the Idaho constitution, and I would say here for myself, that if it were necessary to get into the union of states that we should incorporate into our constitution a provision that reads like the provision of the Idaho constitution, praised so much by congress and those in the east, I should prefer to stay out. Now, Mr. President, I think that we have drawn a very mild proposition, I think we have gone just as far as the law allows, just as far as the Edmunds law goes, and we have gone no further, and I wish to say again that this proposition is submitted now not in bad faith on the part of the committee, nor on the part of any member thereof.

Mr. CLARK. I opposed the discussion of this proposition besause I wanted to find out and investigate just what the proposition meant, I am not able to form a judgment of what it means from a hasty reading and consideration here. I am opposed to the passage at this time of this resolution, not because I have any personal sympathy with the religious convictions of those sought to be reached by this amendment, but it seems to me that it is not right to select any one class of crime from the rest of crimes, and say that persons who have been guilty of that special crime shall be disqualified from holding certain offices of trust or from voting. A great deal has been said in the territory about the influence of this element. I believe that they have the same influence as the same number of citizens who are not Mormons, no more and no less. The more offensive features of Mormonism have never been practiced within this territory. The United States attorney of this territory found some violation s of the law, made two arrests, but the matter was not prosecuted in either case. I say we don't need this, if we are not sick we don't need any medicine, and I don't believe in selecting one class of crime, or in singling out a special religious sect in the territory. I am opposed to considering this matter so hastily, and I make these remarks not because I hope it may influence the convention at all, but because I believe it is unjust in the particulars I have pointed out. If the resolution will include the other crimes, such as horse stealing, murder and other crimes, so they will all go in together, I will not object.

Mr. BURRITT. I desire to say to the gentleman from Uinta that when I presented this proposition I moved its reference to the committee on elections, but had no second for it. If this is being too hastily considered, or if any member is not satisfied, I am ready to make a motion now to have it referred.

Mr. RINER. I rise to a point of order. A vote was taken on a suspension of the rules, and this reference cannot be made without a reconsideration of that vote.

Mr. MORGAN. I believe reference can always be made under any circumstances.

Mr. COFFEEN. I desire to say that when the gentleman from Johnson stated that this matter had not been brought up in the committee, he stated it correctly. So far as I know it was never in any manner discussed by the committee.

Mr. SMITH. This committee never considered the question. I think the chairman and myself once talked about it, but not in committee. It was after the bill or rights was presented, and the chairman and I looked it over and thought it covered the ground.

Mr. RINER. As to reconsidering this matter, the convention has ordered the final reading of this proposition, and I say without reconsideration of that vote, reference cannot be made.

Mr. PRESIDENT. The chair is of the opinion that the point is well taken. The motion was made that the rules be suspended for the immediate consideration of the file, that motion prevailed; and the chair then announced that the question was on the final reading and passage of the file.

Mr. MORGAN. For the purpose of referring this question to the committee I move that the vote by which the final reading and passage was ordered be reconsidered.

Mr. PRESIDENT. The chair is of the opinion that the rules may be suspended so that the convention may order this file into the hands of the committee.

Mr. MORGAN. I move the rules be suspended.

Mr. PRESIDENT. The question is on the motion that the rules be suspended in order to refer the file now before you for consideration. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I insist that we must reconsider the vote ordering the final reading of the file.

Mr. PRESIDENT. The chair understood the motion was withdrawn in order to present the second one. The question is now on the motion to reconsider the vote ordering the final consideration of the file. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The order for the immediate consideration of the file is recinded.

Mr. COFFEEN. I now move that this resolution be referred to the committee on elections.

Mr. PRESIDENT. All in favor of the motion to refer this proposition to the committee on elections will say aye; contrary no. The ayes have it; the motion prevails. The resolution is so ordered.

The next thing on the general file is File 89. What is the wish of the committee as to the immediate consideration of File 89?

Mr. RINER. I move it be finally read and put upon its passage.

Mr. PRESIDENT. The question is upon the final reading of File 89. All in favor of the motion will say aye; contrary no. The ayes have it. The secretary will read the file. The question is upon the final passage and adoption of File 89 as a part of the constitution. So many as are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called. Those of the opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote upon File 89 is as follows: Ayes, 27; noes, none; absent, 22. By your vote you have adopted File 89 as a part of the constitution. This will now be referred to the committee on revision. There is no further business upon the table.

Mr. RINER. I move we adjourn until 2 o'clock.

Mr. PRESIDENT. The question is upon taking a recess. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

AFTERNOON SESSION.

Saturday afternoon, Sept. 28.

Mr. PRESIDENT. Convention come to order.

Several members of the convention will have to leave here to go home and will not be present on Monday. As the constitution cannot be read and adopted before they leave, I would like to know if some way cannot be arranged so as to give them an opportunity to sign now.

Mr. CLARK. As chairman of the committee I will state that they are doing their best to get through with the work, but there are five or six articles yet to be enrolled.

Mr. HOYT. I should think perhaps the gentlemen who have to go home might be willing to sign in blank, and have that attached to the instrument.

Mr. PRESIDENT. As Mr. Holden is the only one who will leave this afternoon I would like to ask him if he is willing to sign in blank before he leaves. Will one of the members of the committee furnish the gentleman a blank so that he may sign before he leaves? The othe members who have to leave can sign later.

Mr. HOLDEN. In taking leave of the convention, I do so with reluctance, and especially in view of the kind treatment I have received in this convention, and the hospitalities of the Laramie county delegation. Still I feel that justice to myself and my business requires that I should go, and I would say that my latch string will ever be out to every member of this convention.

Mr. PRESIDENT. I desire to express to the gentlemen the thanks of the chair for his diligence and efficient service, and for the attention he has given to the business of the convention during the entire session.

Is there any business to come before the meeting?

Mr. BURRITT. Committee No. 5 desires to report, and as I was the member of this convention who introduced File No. 93 in the convention this morning, I think perhaps it is due to myself and to the convention that I explain briefly to the members of this convention the reason of this report. As I stated when I introduced the proposition this morning, I believed it was a necessary matter to be incorporated in the constitution in order to give us proper standing before congress for our admission. I had no sympathy and so stated at the time with the idea that Mormonism with us was a dangerous feature but it was only a matter of expediency. The position has always been taken at Washington that we had no Mormon population in Wyoming, to amount to anything, and such is the fact. The percentage of Mormons is less than one per cent of the population of Wyoming. In addition to that your committee have taken great pains to ascertain whether in the opinion of those posted at Washington, if this proposition was necessary. I believed this morning that it was, and I so stated when I offered the proposition, I thought it was expedient, and I am satisfied now, after having spent the entire time since this was referred to the committee in consulting all those in the city who would be competent to express an opinion on this subject, that I was wrong, and although the language of this report does not agree with the position I took this morning, I am satisfied that it is right; and on behalf of the committee I move that the report be adopted.

Mr. PRESIDENT. The question is on the adoption of the report. All in favor of the motion that the report be adopted!

will say aye; contrary no. The ayes have it; the report stands adopted.

Mr. POTTER. It seems to me that as there is no other business before the convention, that so much of the constitution as has been enrolled might be taken up, and we could get along as fast as possible.

Mr. PRESIDENT. Will the gentleman from Laramie, Mr. Teschemacher, state whether the constitution is so far enrolled that we can read any portion of it in the order that it should be arranged.

Mr. TESCHEMACHER. It is not. A great many of the articles are enrolled, but the revision committee has had no time during the last twenty-four hours to decide in their own minds as to the order in which they wish these articles in the constitution. The convention can undoubtedly take up each article as a complete article without its particular number, and decide what they want done with it, but the committee has been so busy that they have been unable to systematize the constitution and arrange it in order. All that has been done is that the engrossed articles have been revised and have been then enrolled on the article blank, the committee intending as soon as all were enrolled to take them and arrange them in order as they should be. Two of the articles which will be among the first, the one on legislative and executive department, are not yet enrolled. On account of the changes that have been made right up to the end in these propositions they have been left open until the last with the idea that there might be some wish to change the legislative file. The whole thing will be ready to present to the convention at 8 or 9 o'clock Monday morning, whichever hour the convention may adjourn to.

Mr. PRESIDENT. I would like to have the sense of the convention on this question. There has been a good deal of discussion among different members of the convention as to the present condition of the legislature, or the legislative department, as established by the constitution, in this, that our senators are all elected at the same time, and for the same term as members of the lower house. It is quite unusual to elect the members of both houses in that way and for the same terms, and it has been suggested that we make a change in that so as to elect for four years, a portion of the senate first elected serving but two years, the remaining serving four years, half of them holding over. If there is any desire on the part of the convention to make such a change we have plenty of time to do it, if the committee will take it in hand and rush through a provision of the constitution referring to the election of senators.

Mr. MORGAN. I would like to ask Mr. Elliott whether it is possible to make this change and keep the rest consistent?

Mr. ELLIOTT. It can be changed with very little trouble. It will only be necessary to strike out one of the present sections. I think it can all be included in one section.

Mr. HARVEY. I think as the article now stands it is a very dangerous system. Not a parallel one in the United States. I think it is a very strange departure and needs attention. I move this matter be referred to the committee on legislation with instructions to amend as suggested by the president.

Mr. HOYT. Our mode of constituting the senate is one of the provisions in the constitution, as we have adopted it, that has been to me an affliction, and I shall be most happy if it can be amended in that regard.

Mr. PRESIDENT. It is moved and seconded that the matter of considering the change in the constitution as it now stands, of that part of the legislative bill referring to the senate, be referred to the committee on legislation, with directions to report at the earliest possible moment. All in favor of the motion will say aye; contrary no. The ayes have it; the matter is referred to the legislative committee.

Mr. RINER. I move we take a recess of twenty minutes until the legislative committee can make its report.

Mr. PRESIDENT. You have heard the motion that we now take a recess of twenty minutes until the legislative committee can report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention will take a recess of twenty minutes.

(Recess.)

Mr. PRESIDENT. The convention will come to order. Is the legislative committee ready to report?

Mr. ELLIOTT. We have not written out a report, but we offer a section which we have prepared instead of the first four lines of Sec. 2 of the old bill: "Sec. 2. Senators shall be elected for the term of four years, and representatives for the term of two years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years." We found this in the Texas constitution, and have left it to the legislature to divide these senators into classes as nearly equal as may be, not undertaking to do it ourselves.

Mr. TESCHEMACHER. It seems to me that the trouble is going to come in the case of counties having an uneven number of senators. Take Laramie county with three senators. Now, how are you going to divide that? That two members shall remain in the senate four years and one go out. That is the only way you can arrange it. In the other case, after the first election, providing the counties remain as they are, Laramie would have to elect two senators, and continue one. If the convention will give us another senator we will come into that plan.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. COFFEEN. Move it be adopted.

Mr. PRESIDENT. The question is on the adoption of the report of the legislative committee. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move the rules be suspended and this section be placed upon its final passage.

Mr. PRESIDENT. The question is on the final reading and passage of the proposition reported by the legislative committee, and a suspension of the rules for that purpose. All in favor of the motion will say aye; contrary no. The ayes have it; the motion to suspend the rules prevails. The question is on the adoption of the section. All who are of the opinion that the section be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the proposition is as follows: Ayes, 26; noes, none; absent, 23. By your vote you have adopted the proposition as a part of the constitution of Wyoming.

Mr. CAMPBELL. In accordance with the notice I have given, I move we now proceed with the appointment of a committee of eight for the purpose of going to Washington to advocate before congress the admission of Wyoming as a state.

Mr. HAY. I suggest that the committee be made ten.

Mr. CAMPBELL. My idea is that no person should be selected unless they will say before hand that they will go unless something should happen to absolutely prevent it.

Mr. PRESIDENT. The question is on the motion to select a committee of ten to go to Washington to aid in the effort to secure the admission of Wyoming into the union. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to select a committee prevails. How will you select?

Mr. HARVEY. I desire to nominate Mr. DeForrest Richards, if agreeable to the convention.

Mr. CLARK. Is the idea that the representation shall be by counties? I am not in favor of making it by counties at all.

Mr. RINER. I desire to nominate as a member of that committee the president of this convention. I will put the question. All those favoring the selection will say aye; contrary no. The ayes have it; the selection is unanimous. There are nine members to be selected from the body of the house.

Mr. PRESIDENT. I am very much obliged to the gentlemen for the honor they have done me, but I do not think I can promise definitely to go to Washington to attend to this matter. But I will do so if I can.

Mr. PRESTON. I desire to propose the name of Ex-Governor Baxter of Laramie county.

Mr. BAXTER. I expect to go east the latter part of January and I think might arrange to spend a week or ten days in Washington during that month. If obliged to go any sooner than that it will be impossible for me to do so.

Mr. CLARK. I desire to nominate Mr. A. C. Campbell.

Mr. POTTER. Mr. Henry G. Hay.

Mr. HAY. I would like very much to go with this committee, and I appreciate the honor done in naming me, but I cannot promise at this time whether I will go or not. My business is such that it is absolutely impossible for me to leave it. I would only accept the nomination with the understanding that I might appoint some alternate to go in my place if I cannot.

Mr. ELLIOTT. I desire to name Mr. E. S. N. Morgan.

Mr. HARVEY. I desire to name Mr. Elliott.

Mr. HOPKINS. Mr. Grant.

Mr. FOX. Mr. Riner.

Mr. RINER. While I appreciate the honor, I am prepared to say that it would be absolutely impossible for me to leave here at any time between December and the first of March. I therefore decline, as it would be impossible for me to do any good.

Mr. HOYT. I don't know how many names have been presented, but I desire to offer the name of Mr. Smith.

Mr. MORGAN. I suggest the list be read, and as each gentleman's name is called he can state as to the probability of his being able to go or not.

Mr. BAXTER. I desire to name Governor Hoyt.

Mr. MORGAN. I desire to suggest Mr. Conaway.

Mr. COFFEEN. I nominate Mr. Clark of Uinta.

Mr. RINER. I desire to name Mr. Teschemacher.

Mr. TESCHEMACHER. It depends entirely as to when this matter is going to come before congress. I can't get away from here before the tenth of January.

Mr. ORGAN. Mr. Potter.

Mr. POTTER. I cannot go.

Mr. COFFEEN. If we keep on as we are now I don't think any living man can tell the result. I do not think this is a wise plan to pursue. It seems to me that the wisest thing to do would be to appoint a committee to act in conjunction with our chairman, who is already selected as one member, to appoint a committee, and report to the convention on Monday morning.

Mr. PRESIDENT. The question is on the appointment of a committee of four to appoint a committee to go to Washington. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The chair will name Mr. Riner, Judge Conaway, Mr. Elliott and Mr. Organ.

Mr. HAY. I have a resolution to offer. "That the president and secretary of this convention are instructed to issue to the secretary of the territory of Wyoming a certificate showing the attendance of members of this convention." I think there should be some official statement filed with the secretary of the territory, in case either congress or the legislature should compensate the members of this convention for the arduous labors they have performed.

Mr. PRESIDENT. The question is on the amendment. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. As there is nothing further this convention can do this afternoon, I move we now adjourn until 9 o'clock Monday morning.

Mr. PRESIDENT. It is moved that we now adjourn until 9 o'clock Monday morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now adjourn until 9 o'clock Monday morning,

TWENTY-FIFTH DAY.

MORNING SESSION.

Monday, September 30, 1889.

Mr. PRESIDENT. The convention will come to order.

Prayer.

Roll call.

Reading of the journal.

Reports of committees.

Mr. TESCHEMACHER. Your committee No. 19 have completed its revision of the constitution and are now ready to submit it to the convention for final reading.

Mr. PRESIDENT. Gentlemen, what is your wish as to the manner of reading the constitution?

Mr. CLARK. I think it should be read by articles and approved by articles, and then approved as a whole.

Mr. PRESIDENT. If Mr. Burritt will kindly read we will proceed with the final reading of the constitution. It will be read by articles and the vote taken on each article. The preamble will now be read.

The question is upon the adoption of the preamble as read Are you ready for the question? So many as are of the opinion that the preamble be adopted as read will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the preamble is as follows: Ayes, 25; noes, none; absent, 24. Gentlemen, by your vote you have adopted the preamble of the constitution of Wyoming. Art. 1 will now be read. Are there any amendments? The chair hears none. The question is on the adoption of Art. 1 as read as a part of the constitution. So many as are of the opinion that Art. 1 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 1 is as follows: Ayes, 28; noes, none; absent, 21. By your vote you have adopted Art. 1 of the constitution of the state of Wyoming. Art. 2. Are there any amendments? The chair hears none. The vote is now on Art. 2 as read. So many as are of the opinion that Art. 2 be adopted will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 2 is as follows: Ayes, 26; noes, none; absent, 23. Gentlemen, by your vote you have adopted Art. 2 of the constitution of the state of Wyoming. Art. 3. Any amendments to Art. 3?

Mr. HOYT. I move to amend Sec. 6 by striking out the word "ninety" where it occurs in the second sentence of that section, and insert the word "sixty," so that it will read "No session of the legislature after the first, which may be sixty days, shall exceed forty days." I believe there is no necessity for any argument on the subject, for a careful estimate shows a saving can be made of between eighteen hundred and two thousand dollars in the first session, and I believe it is the unanimous opinion of the convention that the work of this first session can be done in that time, and this saving is so important that it ought to have the approval of all the members.

Mr. PRESIDENT. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion to amend prevails. Any further amendments? The chair hears none. The question is now on Art. 3 as read and amended. Are you ready for the question? So many as are of the opinion that Art. 3 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Mr. ELLIOTT. I voted against this as a separate proposition, but in supporting the constitution I am restrained to vote aye.

Mr. PRESIDENT. Gentlemen, your vote on Art. 3 is as follows: Ayes, 30; noes, none; absent, 19. By your vote you have adopted Art. 3 as a part of the constitution of Wyoming. Art. 4. Are there any amendments? The chair hears none. The question is now on the adoption of Art. 4 as read. All who are of the opinion that Art. 4 as read be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 4 is as follows: Ayes, 31; noes, none; absent, 18. By your vote, gentlemen, you have adopted Art. 4 as a part of the constitution of Wyoming. Art. 5.

Mr. KNIGHT. I would like to make a suggestion. I see by the article that provision is made whereby a member of the district court may be called upon to sit in the supreme court, but see no provision whereby in an emergency the place of members of the district court may be filled. The districts are large in the western part of this territory, and there is a great deal of expense attending the holding of the court. There might arise an emergency whereby one of the district judges might be unable to fill his engagements. It is provided that the district judges may act for each other, but if it should happen at any time that all of the other courts are engaged, it seems to me no more than proper that in such an emergency a member of the supreme court might act. I merely offer this as a suggestion, and I move to amend by adding to Sec. 2 the following: "Any member thereof may in case of an emergency be assigned by the governor to act as a district judge, under such rules and regulations as may be prescribed by law." There might perhaps, Mr. President, be an additional requisite that the supreme judge should not sit in reviewing a case in which he acted as district judge.

Mr. HARVEY. I trust this amendment will not prevail. It is inconsistent with the entire course of this convention.

Mr. CONAWAY. I only wish to say in regard to this proposed amendment that I wish to simply reiterate every argument I made against a supreme court constituted of the district judges.

Mr. KNIGHT. I took no part in the discussion of this article. I have maintained that a supreme court is necessary, but the only question I raise is this: In an emergency, if one should arise as to the holding of the district court, it is very possible that that court must go over, and large expense be incurred by the several counties in the district, for the reason that none of the other judges could act at the time and thus hold court. Now if there is a provision whereby the supreme judges may act as district judges, might be more of an excuse and less of an objection to a supreme court. I don't care particularly about this, but I thought it would be accepted by the convention as an amendment that would be acceptable to a number of people, in view of the fact that objection has been raised to a supreme court.

Mr. PRESIDENT. The chair wishes to state that in passing upon this constitution at this stage amendments will be limited under our rules to the extent of changes in details as to matters already adopted, but not to any absolute change as to any matter adopted heretofore. This is a matter of detail, I take it. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

Mr. CAMPBELL. In Sec. 21, at the end of the section, I would like to add this: "The number of district judges shall not exceed three until the value of taxable property within the state shall equal sixty millions of dollars, and shall not exceed four until such taxable valuation shall equal one hundred million dollars." I think there should be a provision in there that the number should not be increased until a certain time. Some people have got the idea that this article is a particularly favorable one to the lawyers, and they might make another judge as soon as they could induce the legislature to do so, and I make that amendment to this article in this constitution at the request of certain persons here who feared if this should be left out as it is, it might make some uneasy, and they would vote against the constitution for that reason, and that it would be more satisfactory to the people if the number was settled and not increased until after a certain time.

Mr. HARVEY. We people of the north have consented to some things which are not favorable to our counties. Now if there are three judges it is almost certain that they will all live along the line of this road. And it will be some time before we northern counties get a district judge. But it is hardly fair to keep us out of having a judge for the next ten years. I would amend the amendment so that it would read, "Provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the state shall exceed one hundred million dollars."

Mr. PRESIDENT. The question is on the amendment. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to insert prevails. Are there any other amendments? The question is on

Art. 5 as read and amended. Are you ready for the question? All in favor of the adoption of Art. 5 as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on Art. 5 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 5 as a part of the constitution. Art. 6. Final reading of Art. 6. Are there any amendments? The chair hears none. The question is on the final reading of Art. 6 as read. So many as are of the opinion that Art. 6 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Mr. CLARK. Because I believe that an educational qualification for suffrage is contrary to the spirit of our institutions, and I am irrevocably opposed to that principle, I vote no.

Mr. PRESTON. For the reason advanced by Mr. Clark, I vote no.

Mr. SMITH. Sec. 9. The educational qualification in this article is very objectionable to me, but as I desire to vote for the balance of the article, I vote aye.

Mr. PRESIDENT. Gentlemen, your vote on Art. 6 is as follows: Ayes, 25; noes, 6; absent, 18. By your vote you have adopted Art. 6 of the constitution. Art. 7.

Mr. POTTER. I would like to ask a question. It is well known that we have a grant of land to the state for a normal and agricultural college. I have a little fear that a few words in this section will take those lands for the university. This is the language: "All lands which have been heretofore granted or which may be hereafter granted unto the university as such, or in aid of the instruction to be given in any of its departments." Supposing at the university they give a normal and agricultural course, it will take these lands if those words remain in. I have a little fear of it that is all.

Mr. COFFEEN. I was afraid of this when it was on its passage before. I feared that these words "or in aid of the instruction to be given in any of its departments" might cut us off in the establishment of an agricultural and normal college. I do not think the language is safe for the protection of their interests. I move to strike out line six of the printed bill.

Mr. HOYT. There is reference somewhere in the article to the other institutions. The committee on education having in mind that it might be the purpose of congress at some time to grant lands for normal school purposes, and in such case the legislature would see fit to make such location of those institutions in different parts of the state as would promote the general interests and serve the whole public. In some of the eastern states they have these normal schools established upon grants from congress. They are located in different sections of the state. I believe in a normal department in the university. This was the purpose of the committee.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the amendment will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. HAY. Before we leave this I notice that that section ends with the words "such lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress." In looking over the senate bill 2445, I notice that it is absolutely one of the provisions of that bill that no one person shall buy or lease more than six hundred and forty acres. That was included in the original report of the committee and I called attention to it at the time it was discussed, and would say that I think it had better go back.

Mr. BAXTER. According to the wording of the last of the section it conveys the idea that they would have to submit the terms to be approved by congress.

Mr. PRESIDENT. I would suggest to the gentleman that the idea is this: Some of these lands will never be sold for ten dollars an acre, and we want to arrange it so we may hereafter secure the approval of congress to sell them at a lower figure.

Mr. PRESIDENT. The question is on the article as read. So many as are of the opinion that Art. 7 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 7 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 7 as a part of the constitution of the state of Wyoming.

Mr. CAMPBELL. I move we now take a recess until half past one.

Mr. PRESIDENT. The committee appointed on address to the people are now ready to report. Is there objection to this report being received before we take a recess? If not the report will be received at this time.

Mr. RINER. I move the report be adopted.

Mr. PRESIDENT. The question is on the adoption of the report of the committee on address to the people. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The report of the committee stands adopted.

Mr. RINER. I move we take a recess until 2 o'clock.

Mr. PRESIDENT. The question is on the motion to take a recess until 2 o'clock. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

AFTERNOON SESSION.

Monday afternoon, Sept. 30.

Mr. PRESIDENT. At the moment of adjournment we were reading the constitution. We will now proceed. The next article before us is Art. 8. Any amendments? The chair hears none. The clerk will call the roll.

Gentlemen, your vote on Art. 8 of the constitution is as follows: Ayes, 23; noes, 2; absent, 24. By your vote you have adopted Art. 8 as a part of the constitution of Wyoming.

Art. 9. Any amendments?

Mr. HOPKINS. It has been thought by some members of the convention here that the two state offices of mine inspector and state geologist were not an absolute necessity. It is well known what the duties of the mine inspector are. In the first place a mine inspector is really a mine detective. The law provides, the one we are now running under, that the inspector shall visit each mine in the territory once every quarter, or four times in the year. I suppose there are about fifteen mines in the territory, something in that neighborhood. The inspector is expected to visit each one of those mines according to law, once every quarter. It will take him about two weeks to perform the duties of his office, as required by law. That certainly leaves a large portion of his time unemployed. Now the question is whether a mine inspector can be found who would combine the knowledge of mining engineer and state geologist. I know of such people and think there are lots of such people, and think they could be secured for the salary we would pay the mine inspector, $2,500 a year and expenses, and I would move to add to Sec. 7 of this file on coal mines, after the words "the position" the following: "said state geologist shall ex-officio perform the duties of inspector of mines until otherwise provided by law."

Mr. RUSSELL. I hope this convention will not adopt this amendment, as I think it will be detrimental to the object of coal mine inspectors. While such men as spoken of by the gentleman from Sweetwater can be found combining the knowledge necessary to the examination of coal mines, ventilation, etc., and the knowledge and wisdom suitable to fill the position of state geologist, I think they are very scarce. The position of coal mine inspector is such a one that the necessary knowledge is not obtained in schools, the practical knowledge that office demands is only obtained in coal mines. I think you would find when you come to apply this, and put it in operation, that it would not be so easy to do it, I do not think it would work right, and I don't think we want to risk it anyway. The present original section provides that the legislature shall fix the salary, and if the salary is found too high for the work performed, the legislature can reduce it, and can do the same with the salary of the geologist, and I do not think that the amendment ought to carry.

Mr. HOPKINS. I wish to say respecting this question of salary, it is not a question as to whether the salary is too high, for the work actually performed. The office is of such a character that the law must provide that he shall not have any interest or be employed in any other way as a mine man, or as a man connected with mines. He must have no connection with any mine whatever. He must, like a judge of the supreme court, do nothing else, and you have got to pay the salary with that restriction. He can only be employed in such capacity by the territory. By nobody else.

Mr. COFFEEN. I do not know to what extent this has been discussed among the members. I made a rew remarks in defense of the position of state geologist, and that office has been retained, for the reasons then stated, but let me say here for myself, if we must combine one of these offices with the other, I want the office of mine inspector to be considered by all means the most important. His duties are those which relate to the protection of men in the most dangerous kind of employment in this country, and although I defended the position of state geologist before, I would rather let that position go and do without a state geologist than to in any way prevent our having a practical mining inspector who knows from practical experience and training the things needed for the protection of the men in a mine. Therefore I will have to vote against this amendment. If any amendments are to be made let it be by striking out the state geologist and retaining the more important office.

Mr. HOYT. With the permission of the convention I would like to ask Mr. Hopkins a question. Does it not follow naturally that a good state geologist would make a good mining inspector?

Mr. HOPKINS. In answer to that question I would state that the study of geology is part of the ordinary studies of a mining engineer.

Mr. HOYT. I merely wish to say, Mr. President, that I second the motion of the gentleman from Sweetwater for two reasons. First, because I had understood that the proposition which he offered was entirely satisfactory to the members of this convention, who represent the mining interests. It would be far from my desire, sir, to do anything towards crippling the mining interests of the territory, which are very important. My second reason was that I believed then and I believe now that a man who is fit to be a state geologist of Wyoming should be one of the most intelligent men who can be selected as an inspector of mines. Our state geologist should never be appointed unless they have been students at a school of mines. I understand that our present geologist is a graduate of a school of mines, which makes a specialty of that branch alone. He has not only studied geology, but he has made a special study of mines and mining interests. I think a person who is competent to fill the position of state geologist should be competent to be an inspector of coal mines, and have such practical knowledge that he will know whether they are properly arranged and ventilated or not. Now if that is true, there is another reason which will appeal to every member of this convention, and it is that of economy. We should have a state geologist to make general surveys of the territory, and other matters connected with the duties of that office, but there is nothing to prevent his going at stated times to the mines and making an examination of them, such as will properly protect the mining interests. I want to say just one more word. I know how the miners feel about this matter, and they do not think the offices should be combined. It was attempted when the office was created in the Wyoming legislature, and it was decided then that it would not work well, and I am satisfied that it would not do so now.

Mr. PALMER. This combination of the office of state geologist and inspector of coal mines will be only temporary, until such time as the state can afford to separate those offices. Now so far as the mining interests are concerned, Mr. Hopkins and myself, the Sweetwater delegation, represent the largest coal mining interests in the territory, and I mean to state that if the territorial geologist is made ex-officio inspector of coal mines, and a competend man is appointed to fill that position, there will be no objection to it.

Mr. MORGAN. The gentleman from Sweetwater, Mr. Palmer, has stated the motion as I understand it, that the combination is only temporary. In addition to that it seems to me that the state geologist while acting as mine inspector would have excellent opportunities for looking up the gelogist part of his work in that connection. It is only temporary, and if not found to be for the best interests of all concerned it can be changed.

Mr. PRESIDENT. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion to insert prevails. The question is now on the adoption of Art. 9 as read and amended. All who are of the opinion that the article be adopted will say aye; contrary no. The clerk will call the roll.

(Roll call.)

Mr. RUSSELL. I vote aye, but I protest against this amendment.

Mr. PRESIDENT. Gentlemen, the vote on Art. 9 is as follows: Ayes, 27; nays, 3; absent, 19. Gentlemen, by your vote you have adopted Art. 9 as a part of the constitution of the state of Wyoming. Art. 10 will now be read. Are there any amendments to Art. 10? The question is on the adoption of Art. 10. So many as are of the opinion that Art. 10 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Mr. POTTER. I desire to explain my vote. I have no objection to these matters under the head of railroads, but I have objection to the article on corporations. I therefore vote no.

Mr. PRESIDENT. Your vote on Art. 10 is as follows: Ayes, 27; noes, 1; absent, 21. Gentlemen, by your vote you have adopted Art. 10 as a part of the constitution of Wyoming.

Mr. BURRITT. I ask unanimous consent to introduce a resolution at this time, and ask for its immediate consideration.

Mr. PRESIDENT. Is there objection to the resolution being presented at this time? The chair hears none. The gentleman may introduce his resolution.

Mr. BURRITT. "Resolved, That the president and secretary of this convention are hereby instructed to certify to the secretary of the territory the mileage and per diem of each member of this convention, in case any member shall have been absent more that .... days they shall be allowed for the number of days actually in attendance." I have left the number of days blank, but move that the number five be inserted.

Mr. HOPKINS. As a member of this convention who has been absent more than the time fixed, I desire to say that I approve of this proposition.

Mr. KNIGHT. I have been absent from this convention a considerable portion of the time. I occupy the position of county attorney, and the first day of our court was the first day of the convention, and it has been impossible for me to be here all of the time, but I desire to say that so far as I am concerned, I shall only ask for a certificate for the actual time I have been here, as long as I was unable to be present and could not take the interest I would have taken if I had been here all along.

Mr. PRESIDENT. The question is on the motion to insert the word five in the resolution as offered. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment prevails. The question is now on the adoption of the resolution as amended. All in favor of the adoption of the resolution will say aye; contrary no. The ayes have it; the resolution is adopted.

The question is upon the adoption of Art. 11. Reading of Art. 11. Are there any amendments? The chair hears none. So many as are of the opinion that Art. 11 be adopted as read will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on Art. 11 is as follows: Ayes, 31; noes, none; absent, 19. By your vote, gentlemen, you have adopted Art. 11 as a part of the constitution of the state of Wyoming. Art. 12. Reading of Art. 12. Are there any amendments? The chair hears none. So many as are of the opinion that Art. 12 as read be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The clerk will call the roll.

Mr. COFFEEN. I desire to explain my vote. I think this limit of three millions of assessable property to be left in the old county does a very great injustice to persons living in a county who desire to form a new county organization. I vote aye on this article, but I protest against this portion of it.

Mr. PRESIDENT. Gentlemen, your vote on Art. 12 is as follows: Ayes, 31; noes, none; absent, 18. By your vote you have adopted Art. 12 as a part of the constitution of Wyoming. Art. 13.

Mr. RINER. I would like to know if this article on salaries belongs to the article on municipal corporations?

Mr. CLARK. I will state, Mr. President, we had intended to make this a separate article, but in some way or other it got in here.

Mr. RINER. It puts some of us, myself among the number, in a position where we shall have to vote against the article, which I very much dislike to do. In order that we may have an opportunity to vote I move this be made a separate article.

Mr. PRESIDENT. It is moved and seconded that the article on salaries be made a separate article in the constitution. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The article will be numbered 14. We will now proceed to vote upon Art. 13.

Mr. SMITH. As this section now stands the legislature is prevented from making any changes or modifying any existing charters of cities or towns. Particularly the cities, they will want amendments to their charters, or to reorganize, and there is no provision in this constitution whereby they can do that. I offer as an amendment to be added to Sec. 1 the following: "Cities and towns now existing under special charters or the general laws of the territory, may abandon such charter and reorganize under the general laws of the state."

Mr. PRESIDENT. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment is carried. Any further amendments? The question is now on the adoption of the article as amended. All who are of the opinion that Art. 13 as read be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on Art. 13 is as follows: Ayes, 32; noes, none; absent, 17. Gentlemen, by your vote you have adopted Art. 13 as a part of the constitution of the state of Wyoming. Art. 14.

Mr. HARVEY. I desire to offer an amendment in line fifteen, the salary of the county treasurer is fixed at $1,500; in counties of the second class, while in counties of the third class he receives $2,000. Now I think as a matter of policy we should increase that fifteen hundred to eighteen hundred, and I therefore move to strike out "fifteen" and insert "eighteen" in lieu thereof.

Mr. PRESIDENT. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the section is so amended.

Mr. BURRITT. I desire to offer an amendment by adding a new section, as follows: "Whenever practicable the legislature may, and when ever the same can be done without detriment to the public service, shall consolidate offices in state, counties and municipalities respectively, and whenever so consolidated the duties of such additional office shall be performed under an ex-officio title."

Mr. PRESIDENT. The question in on the amendment offered by the gentleman from Johnson, to add a new section, to be numbered six. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the new section stands adopted. Any further amendments?

Mr. ELLIOTT. I move to strike out Sec. 3. On consultation with the members, most if not all of them, admit the fact that they will not undertake to say that the salaries are right. Under the circumstances I move to strike out the whole section.

Mr. COFFEEN. I rise to a point of order, that changes the entire article. As decided upon by the united action of this convention heretofore, and there is no use in discussing it again. I believe I shall insist upon the point of order in this case.

Mr. PRESIDENT. The chair announced this morning that any amendment that was a mere matter of detail would be entertained, but that any amendment that would change the whole tenor of any article would not be entertained, except by order of the convention. The chair is of the opinion that the point raised by the gentleman from Sheridan is well taken. Does the gentleman desire a suspension of the rules?

Mr. ELLIOTT. I do not.

Mr. PRESIDENT. Are there any further amendments? The chair hears none. The question is on the adoption of Art. 14 as a part of the constitution. So many as are of the opinion that Art. 14 be adopted as a part of the constitution will so signify by saying aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

Mr. BURRITT. I vote aye under protest.

Mr. CAMPBELL. I wish to explain my vote. I think it will be difficult if not impossible under the operation of this article, to get a good man to accept the office, and I therefore vote no.

Mr. HOYT. For the reson given heretofore, I vote no.

Mr. POTTER. I wish to explain my vote. Under ordinary circumstances I would consider that fixing of salaries of county officers in a constitution out of place. But under the peculiar circumstances under which it was introduced here I vote aye.

Mr. PRESTON. Mr. Nickerson, who is directly opposed in his views upon this question to mine, is absent, I know his vote would kill mine, if he was here. I ask to pair with him.

Mr. PRESIDENT. Is there objection to excusing the gentleman? There seems to be objection; the gentleman will vote.

Mr. PRESTON. No.

Mr. SMITH. I think the principle involved here is eminently proper, but I am not satisfied with this as it is here, but I believe in taking what we can get, and vote aye.

Mr. PRESIDENT. Gentlemen, your vote on Art. 14 is as follows: Ayes, 21; noes, 10; absent, 18. By your vote you have adopted Art. 14 as a part of the constitution of Wyoming. Art. 15. Are there any amendments?

Mr. RINER. I would like to ask a question. In the section referring to the state board of equilization it says such assessed valuation shall be apportioned among the several counties. Now I want to ask this question, as I am not quite satisfied myself, whether or not it is necessary to insert the words "according to the mileage therein?" It seems to me that without these words the territorial board would be obliged to apportion it equally, whereas the purpose of the section is to apportion according to the mileage in the county, so that each county will get the benefit of the mileage in the county. It seems to me that without those words in there they would have to apportion it equally. At least that seeems to me would be the effect of it. I therefore move to insert the words "according to the mileage therein," after the word "counties."

Mr. PRESIDENT. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment prevails. Are there any other amendments? The question is on the adoption of Art. 15 as amended. So many as are of the opinion that Art. 15 be adopted as read and amended will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 15 is as follows: Ayes, 26; noes, 4; absent, 19. By your vote you have adopted Art. 15 as a part of the constitution of Wyoming. Art. 16. Final reading of Art. 16. Are there any amendments? The chair hears none. The question is upon the adoption of the article as read. So many as are of the opinion that Art. 16 be adopted as a part of the constitution will say aye; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 16 is as follows: Ayes, 31; noes none; absent, 18. Gentlemen, by your vote you have adopted Art. 16 as a part of the constitution of Wyoming. Art. 17. Final reading of Art. 17. Are there any amendments? The chair hears none. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 17 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 17 as a part of the constitution of Wyoming. Art. 18. Final reading of Art. 18. Are there any amendments? The chair hears none. Thequestion is on the adoption of Art. 18 as read. All who are of the opinion that Art. 18 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 18 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 18 as a part of the constitution of Wyoming.

Art. 19. Are there any amendments to Art. 19? The chair hears none. The question is upon the adoption of Art. 19 as read. All who are of the opinion that Art. 19 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 19 is as follows: Ayes, 30; noes, none; absent, 18. By your vote you have adopted Art. 19 as a part of the constitution. Art. 20. Final reading of Art. 20. Are there any amendments? The chair hears none. The question is upon the adoption of Art. 20. So many as are of the opinion that Art. 20 be adopted as a part of the constitution will say aye; contrary no as their names are called. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 20 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 20 as a part of the constitution of the state of Wyoming. Final reading of Art. 21. Are there any amendments?

Mr. COFFEEN. I hope I may interrupt a moment while I call attention to one or two things of importance to us. Sec. 6 provides that "said election shall be conducted in the same manner as provided by the laws of the territory for general elections." I anticipate that it will be difficult to get some county boards to proceed and carry forward this election as prescribed by law. I think we ought to have a saving clause in there that we may not jeopardize the representation of the views of the people in some of the counties. I have one county in mind particularly, and by inserting the words, "as nearly as may be" would reach this. We may not be able to get our board of county commissioners to call an election, and if not we will have to use our own individual efforts as nearly as may be according to law in case the county commissioners are not willing to do anything. I should be very glad to hear some suggestions on this point.

Mr. ELLIOTT. I would like to have a little information upon that subject myself. I understand that two county attorneys have already given their written opinions to the county commissioners that the county cannot lawfully call an election under this constitution, and expend public money therefor. I occupy the position at the present time of county attorney of Johnson county, and I would ask the legal gentlemen of this convention to tell me in what way I, as an officer of the county of Johnson, can legally advise my board of county commissioners that they would be authorized in expending public money for the calling of an election of this kind. If it is not called by the county commissioners and is not legally conducted, we are not going to have a ratification of this constitution that will be of any benefit to us at all. It is a matter that has bothered me a good deal, in regard to the authorizing of this election.

Mr. BROWN. Does the gentleman from Sheridan, or any one else, propose any amendment to this section of the article?

Mr. COFFEEN. If no one else has anything to suggest I move to insert after the word "election" the words "as nearly as may be."

Mr. PRESIDENT. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the section is so amended. It is the opinion of your chairman, gentlemen, that our territorial legislature will at the earliest moment possible provide for the payment of these election expenses in the election appointed by this convention to pass upon this constitution. I myself have not got so poor an opinion of our legislature to think that they would hesitate for a moment over the payment of the expenses of this election. The question is on the adoption of Art. 21. Are you ready for the question? So many as are of the opinion that Art. 21 be adopted as a part of the constitution will say aye; contrary no. The clerk will call the roll.

(Roll call.) H

Gentlemen, your vote on Art. 21 is as follows: Ayes, 31: noes, none; absent, 18. By your vote you have adopted Art. 21 as a part of the constitution of Wyoming. Ordinances. Are there any amendments?

Mr. TESCHEMACHER. I have no amendments to make, but only wish to make an inquiry. We have not specially mentioned the Yellowstone Park or the military reservations owned by the United States, although we have disclaimed all right to the unappropriated public lands, and I wish to know whether in doing that we have done all that is necessary.

Mr. RINER. It seems to me that it would be proper to add after the words "unappropriated public lands," "and all lands and places over which the United States has exclusive control" so as to reach all of these military posts and other reservations.

Mr. POTTER. They are not specially mentioned in Montana. Montana has a part of the Yellowstone Park, and that is not specially mentioned by her. This is in the language of the senate bill requiring the convention to declare certain things, and it seems to me that the word "unappropriated" takes in all these lands.

Mr. RINER. I think the usual provision is "all lands and places over which the United States has exclusive control." That means lands withdrawn from sale for the use of military posts, reservations, etc.

Mr. HOYT. I think I have an amendment prepared that will be better. Insert after the word "lands" in Sec. 3 in line four, the words "such places and areas within the state limits."

Mr. POTTER. That will make the territory disclaim all title to everything in the territory. That is exactly the language of the senate bill, and it seems to me covers the question entirely.

Mr. HOYT. I withdraw my proposition.

Mr. PRESIDENT. The question is on the adoption of the ordinances. Are you ready for the question? All who are of the opinion the ordinances as read be adopted will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the ordinances is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote the ordinances are adopted.

Mr. CAMPBELL. I would like to have my vote recorded on the preamble. I was not here when it was passed. I vote aye.

Mr. JOHNSTON. I ask the same privilege. I vote aye.

Mr. PRESIDENT. How soon can the committee on enrollment report?

Mr. TESCHEMACHER. The committee is now ready to report. They have the constitution properly enrolled as amended. The committee desire to return thanks to the assistant secretary and to the enrolling clerks for the great amount of extra work they have done, enabling us to complete our labors at such an early time.

Mr. PRESIDENT. The constitution having been reported by the committee on enrollment as correctly enrolled, and having been finally read at length, the question now arises upon its adoption as a whole. Are you ready for the question? All who are of the opinion that the constitution as a whole be adopted will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the adoption of the constitution is as follows: Ayes, 37; noes, none; absent, 12. Gentlemen, by your vote you have adopted the constitution of the state of Wyoming.

Mr. CLARK. I desire to offer a resolution and move its adoption. "Resolved that the governor of this territory be requested to issue a proclamation calling a special election for the adoption or ratification of this constitution, to occur at the time in said proclamation mentioned."

Mr. PRESIDENT. Gentlemen, the question is on the resolution as offered by the gentleman from Uinta Mr. Clark. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the resolution stands adopted.

Mr. HAY. I move that the signing of the constitution be now commenced, and that the secretary of the convention call the roll, and as each members name is called he sign the constitution.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The secretary will call the roll, and as their names are called the members will step forward and sign the constitution.

(Signing of the constitution.)

Mr. COFFEEN. Had we better not have the journal of today's proceedings read, that we may pass upon that.

Mr. PRESIDENT. The secretary will read the journal for today. Gentlemen, you have heard the reading of the journal. Are there any amendments? The chair hears none. The journal stands approved.

Mr. RINER. I have been unanimously selected to make the final motion to adjourn. I move that this convention do now adjourn subject to the call of the president.

Mr. PRESIDENT. Before putting that motion I desire to again thank you for your uniform courtesy to the chair, for your great industry, and for the many favors you have bestowed upon me as your presiding officer. I shall always remember your kindly conduct towards me as one of the best recollections of my life. The question is on the motion to adjourn. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now adjourn subject to the call of the president.

CONSTITUTION.

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CONSTITUION

—OF—

THE STATE OF WYOMING.

PREAMBLE.

We, the people of the State of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this constitution.

ARTICLE No. 1.

DECLARATION OF RIGHTS.

Section 1. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

Sec. 2. In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.

Sec. 3. Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

Sec. 4. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit, particularly describing the place to be searched or the person or thing to be seized.

Sec. 5. No person shall be imprisoned for debt except in cases of fraud.

Sec. 6. No person shall be deprived of life, liberty or property without due process of law.

Sec. 7. Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

Sec. 8. All courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay. Suits may be brought against the State in such manner and in such courts as the legislature may by law direct.

Sec. 9. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury may consist of twelve mem, any nine of whom concurring may find an indictment, but the legislature may change, regulate or abolish the grand jury system.

Sec. 10. In all criminal prosecutions the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 11. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 12. No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.

Sec. 13. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, othewise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

Sec. 14. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted.

Sec. 15. The penal code shall be framed on the humane principles of reformation and prevention.

Sec. 16. No person arrested and confied in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.

Sec. 17. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

Sec. 18. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to hold any office of trust or profit, or to serve as a witness or juror, because of his opinion on any matter of religious belief whatever; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state.

Sec. 19. No money of the state shall ever be given or appropriated to any sectarian or religious society or institution.

Sec. 20. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right; and in all trials for libel, both civil and criminal, the trut hwhen published with good intent and for justifiable ends shall be a sufficient defense, the jury having the right to determine the facts and the law, under direction of the court.

Sec. 21. The right of petition, and of the people peaceably to assemble to consult for the common good, and to make known their opinions, shall never be denied or abridged.

Sec. 22. The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State.

Sec. 23. The right of citizens to opportunities for education should have practical recognition. The legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

Sec. 24. The right of citizens to bear arms in defense of themselves and of the State shall not be denied.

Sec. 25. The military shall ever be in strict subordination to the civil powers. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 26. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of trason unless on the testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person be attainted of treason by the legislature.

Sec. 27. Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammeled exercise of the right of suffrage.

Sec. 28. No tax shall be imposed without the consent of the people or their authorized representatives. All taxation shall be epual and uniform.

Sec. 29. No distiction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment and descent of property.

Sec. 30. Perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed. Corporations being creatures of the State, endowed for the public good with a portion of its sovereign powers, must be subject to its control.

Sec. 31. Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved.

Sec. 32. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due compensation.

Sec. 33. Private property shall not be taken or damaged for public or private use without just compensation.

Sec. 34. All laws of a general nature shall have a uniform operation.

Sec. 35. No ex post facto law, nor any law impairing the obligation of contracts, shall ever be made.

Sec. 36. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

Sec. 37. The State of Wyoming is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

ARTICLE No. II.

DISTRIBUTION OF POWERS.

Section 1. The powers of the government of this state are divided into three distinct departments: the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. The legislative power shall be vested in a senate and house of representatives, which shall be designated "The Legislature of the State of Wyoming."

Sec. 2. Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The seators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of sentors of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this State and who has not, for at least twelve months next preceding his election resided within the county or district in which he was elected.

Sec. 3. Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution shall consist of sixteen and thirty-three members respectively.

Sec. 4. When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

Sec. 5. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday of January thereafter.

Sec. 6. Each member of the first legislature, as a compensation for his services, shall receive five dollars for each day's attendance, and fifteen cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite or allowance whatever. No session of the legislature after the first, which may be sixty days, shall exceed forty days. After the first session the compensation of the members of the legislature shall be provided by law; but no legislature shall fix its own compensation.

Sec. 7. The legislature shall meet at the seat of government at twelve o'clock, noon, on the second Tuesday of January next succeeding the general election provided by law, and at twelve o'clock, noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the governor.

Sec. 8. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the State, and no member of congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

Sec. 9. No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during that term.

Sec. 10. The senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president; the house of representatives shall elect one of its members speaker; each house shall choose its own officers, and shall judge of the election returns and qualifications of its members.

Sec. 11. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

Sec. 12. Each house shall have power to determine the rules of its proceedings, and to punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence of offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary to the Legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either house of the Legislature, and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

Sec. 13. Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the yeas and nays on any question, shall, at the request of two members, be entered on the journal.

Sec. 14. The sessions of each house and of the committee of the whole shall be open unless the business is such as requires secrecy.

Sec. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. The members of the legislature shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 17. The sole power of impeachment shall vest in the house of representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the senate sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor is on trial the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

Sec. 18. The governor and other state and judicial officers except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Sec. 19. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

Sec.20. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Sec. 21. The enacting clause of every law shall be as follows: "Be it Enacted by the Legislature of the State of Wyoming."

Sec. 22. No bill for the appropriation of meney, except for the expenses of the government, shall be introduced within five (5) days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

Sec. 23. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

Sec. 24. No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject is embraced in any act which is not expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Sec. 25. No bill shall become a law, except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote taken by ayes and noes, and the names of those voting be entered on the journal.

Sec. 26. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended, shall be re-enacted and published at length.

Sec. 27. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns or villages; or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridge or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks or any exclusive or special privileges, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the state treasury; relinquishing or extinguishing, in whole or in part, the indebtedness, liabilities or obligations of any corporation or person to this State or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of officers in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all cases where a general law can be made applicable no special law shall be enacted.

Sec. 28. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

Sec. 29. The legislature shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the state treasury, or be in any way authorized to any such person except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 30. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services are rendered or contract made.

Sec. 31. All stationery, printing, paper, fuel and lights used in the legislature and other departments of government, shall be furnished and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

Sec. 32. Except as othewise provided in this constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the legislature from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, if such salaries or emoluments are not fixed by its provisions.

Sec. 33. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

Sec. 34. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 35. Except for interest on public debt, money shall be paid out of the treasury only on appropriations made by the legislature, and in no case othewise than upon warrant drawn by the proper officer in pursuance of law.

Sec. 36. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 37. The legislature shall not delegate to any special commissioner, private corporation or association, any power to make, supervise or interfere with any municipal improvements, moneys, property or effects, whether held in trust or otherwise, to levy taxes, or to perform any municipal functions whatever.

Sec. 38. No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians or trustees, in the bonds or stock of any private corporation.

Sec. 39. The legislature shall have no power to pass any law authorizing the State or any county in the State to contract any debt or obligation in the construction of any railroad, or give or loan its credit to or in aid of the construction of the same.

Sec. 40. No obligation or liability of any person, association or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

Sec. 41. Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses as prescribed in the case of a bill.

Sec. 42. If any person elected to either house of the legislature shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or to be introduced into the legislature, in consideration or upon condition that any other person elected to the same legislature will give, or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislature, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislature will give his vote or influence for or against any measure or proposition pending or to be introduced in such legislature, or offer, promise or assent thereto, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any such measure or proposition pending or to be introduced in such legislature, or in consideration that any other member has given his vote or influence for or against any other measure or proposition in such legislature, he shall be deemed guilty of bribery, and any mem- legislature, he shall be deemed guilty of bribery, and any member of the legislature or person elected thereto, who shall be guilty of either of such offences, shall be expelled and shall not thereafter be eligible to the legislature, and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

Sec. 43. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official duties shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 44. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any percon convicted of either of the offense aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this state.

Sec. 45. The offense of corrupt solicitation of members of the legislature or of public officers of the state, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punishable by fine and imprisonment.

Sec. 46. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

APPORTIONMENT.

Section 1. One representative in the congress of the United States shall be elected from the state at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts accordingly.

Sec. 2. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives, on a basis of such enumeration according to ratios to be fixed by law.

Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous and the districts as compact as may be. No county shall be divided in the formation of representative districts.

Sec. 4. Until an apportionment of senators and representatives as otherwise provided by law, they shall be divided among the several counties of the state in the following manner:

Albany county, two senators and five representatives.
Carbon county, two senators and five representatives.
Converse county, one senator and three representatives.
Crook county, one senator and two representatives.
Fremont county, one senator and two representatives.
Laramie county, three senators and six representatives.
Johnson county, one senator and two representatives.
Sheridan county, one senator and two representatives.
Sweetwater county, two senators and three representatives.
Uinta county, two senators and three representatives.

ARTICLE No. IV.

EXECUTIVE DEPARTMENT.

Section 1. The executive power shall be vested in a governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

Sec. 2. No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the State, who has attained the age of thirty years, and who has resided five years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he was elected.

Sec. 3. The governor shall be elected by the qualified electors of the State at the time and place of choosing members of the legislature. The person having the highest number of votes for governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The governor shall be commander-in-chief of the military forces of the State, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall at the commencement of each session communicate to the legislature by message, information of the condition of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed.

Sec. 5. The governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the legislature at its next regular session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

Sec. 6. If the governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the State, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

Sec. 7. When any office from any cause becomes vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill the same by appointment.

Sec. 8. Every bill which has passed the legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it will likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill is not returned by the governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the legislature by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the secretary of state within fifteen days after such adjournment.

Sec. 9. The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 10. Any governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the governor, will appoint any particular person or persons to any office created or thereafter to be created in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature; or who threatens any member that he, the governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member; shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 11. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislature, a secretary of state, auditor, treasurer and superintendent of public instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government, for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four (4) years after the expiration of the term for which he was elected. The legislature may provide for such other state officers as are deemed necessary.

Sec. 12. The powers and duties of the secretary of state, of state auditor, treasurer and superintendent of public instruction shall be as prescribed by law.

Sec. 13. Until otherwise provided by law, the governor shall receive an annual salary of two thousand five hundred dollars, the secretary of state, state auditor, state treasurer and superintendent of public instruction shall each receive an annual salary of two thousand dollars and the salaries of any of said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

Sec. 14. The legislature shall provide for a state examiner, who shall be appointed by the governor and confirmed by the senate. His duty shall be to examine the accounts of state treasurer, supreme court clerks, district court clerks, and all county treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the legislature. His compensation shall be fixed by law.

Sec. 15. There shall be a seal of State, which shall be called the "Great Seal of the State of Wyoming;" it shall be kept by the secretary of state and used by him officially as directed by law.

Sec. 16. The seal of the Territory of Wyoming as now used shall be the seal of the State until otherwise provided by law.

ARTICLE No. V.

JUDICIAL DEPARTMENT.

Section 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, courts of arbitration and such courts as the legislature may, by general law, establish for incorporated cities or incorporated towns.

Sec. 2. The supreme court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Sec. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any district court of the state or any judge thereof.

Sec. 4. The supreme court of the State shall consist of three justices who shall be elected by the qualified electors of the State at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this convention shall go into effect, shall at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court the governer shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

Sec. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business.

Sec. 6. In case a judge of the supreme court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

Sec. 7. At least two terms of the supreme court shall be held annually at the seat of government at such times as may be provided by law.

Sec. 8. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least three years.

Sec. 9. There shall be a clerk of the supreme court who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

Sec. 10. The district court shall have original jurisdiction of all causes both at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The district court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

Sec. 11. The judges of the district courts may hold courts for each other and shall do so when required by law.

Sec. 12. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the State or Territory of Wyoming at least two years next preceding his election.

Sec. 13. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

Sec. 14. The legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden, such commissioners shall have authority to perform such chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

Sec. 15. The style of all process shall be "The State of Wyoming." All prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

Sec. 16. No duties shall be imposed by law upon the supreme court or any of the judges thereof,except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

Sec. 17. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the supreme or district court shall be as may be prescribed by law.

Sec. 18. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme courts under such regulations as may be prescribed by law.

Sec. 19. Until otherwise provided by law, the state shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose term shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.

Sec. 20. Until otherwise provided by law, said judicial district shall be constituted as follows:

District number one shall consist of the counties of Laramie, Converse and Crook.

District number two shall consist of the counties of Albany, Johnson and Sheridan.

District number three shall consist of the counties of Carbon, Sweetwater, Uinta and Fremont.

Sec. 21. The legislature may from time to time increase the number of said judicial districts and the judges thereof, but such increase or change in the boundaries of the district shall not work the removal of any judge form his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the state shall exceed one hundred million dollars ($100,000,000).

Sec. 22. The legislature shall provide by law for the election of justices of the peace in each organized county in each state. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of the costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the bountdaries of or title to real estate shall enter into question.

Sec. 23. Appeals shall lie from the final decisions of justices of the peace and police magistrates in such cases and purreal estate shall come into question.

Sec. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

Sec. 25. No judge of the supreme or district court shall act as attorney or counsellor at law.

Sec. 26. Until the legislature shall provide by law for fixing the terms of courts the judges of the supreme court and district courts shall fix the terms thereof.

Sec. 27. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or such judge.

Sec. 28. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by appointed such judge.

ARTICLE No. VI.

SUFFRAGE.

Section 1. The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

Sec. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Sec. 3. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

Sec. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 5. No person shall be deemed a qualified elector of this State, unless such person be a citizen of the United States.

Sec. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded form the elective franchise.

Sec. 7. No elector shall be deemed to have lost his residence in the State, by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

Sec. 8. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consepuence of his being stationed therein.

Sec. 9. No person shall have the right to vote who shall not be able to read the constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Sec. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

Sec. 11. All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

Sec. 12. No person qualified to be an elector of the State of Wyoming shall be allowed to vote at any general or special election hereafter to be holden in the State, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by aw. The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

ELECTIONS.

Sec. 13. The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Sec. 14. The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

Sec. 15. No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

Sec. 16. Every person holding any civil office under the state or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of aassembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

QUALIFICATIONS FOR OFFICE.

Sec. 17. All general elections for state and county officers, for members of the house of representatives and the senate of the State of Wyoming and representatives to the congress of the United States, shall be held on the Tuesday next following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

Sec. 18. All officers, whose election is not provided for in this constitution, shall be elected or appointed as may be directed by law.

Sec. 19. No member of congress from this state, nor any holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The legislature may by law declare what offices are incompatible.

OATH OF OFFICE.

Sec.20. Senators and representatives and all judicial, state and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of this state, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

Sec. 21. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this state. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

ARTICLE No. VII.

EDUCATION.

Section 1. The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementatry schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary.

Sec. 2. The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to-wit: Such per centum as has been or may hereafter be granted by congress on the sale of lands in this state, all moneys arising from the sale or lease of sections number sixteen and thirty-six in each township in the state, and the land selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this state, where by the terms and conditions of the grant, the same are not to be othewise appropriated; the net proceeds of lands and other property and effects that come to the state by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands and other property now belonging to the common school fund.

Sec. 3. To the sources of revenue above mentioned shall be added all other grants, gifts and devises that have been or may hereafter be made to this state and not otherwise appropriaed by the terms of the grant, gift or devise.

Sec. 4. All moneys, stocks, bonds, lands and other property belonging to a county school fund, except such moneys and property as may be provided by law for current use in aid of public schools, shall belong to and be securely invested and securely preserved in the several counties as a county public school fund, the income of which shall be appropriated exclusiveely to the use and support of free public schools in the several counties of the state.

Sec. 5. All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

Sec. 6. All funds belonging to the state for public school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the state, which shall keep them for the exclusive benefit of the public schools, and shall make good any losses that may in any manner occur, so that the same shall remain forever inviolate and undiminished. None of such funds shall ever be invested or loaned except on the bonds issued by school districts, or registered county bonds of the state, or state securities of this state, or of the United States.

Sec. 7. The income arising from the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the legislture may provide, shall be exclusively applied to the support of free schools in every county in the state.

Sec. 8. Provision shall be made by general law for the equitable distribution of such income among the several counties according to the number of children of school age in each which several counties shall in like manner distribute the proportion of said fund by them received respectively to the several school districts embraced therein. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least three months; nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.

Sec. 9. The legislature shall make such further provision by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all the youth of the state, between the ages of six and twenty-one years, free of charge; and in view of such provision so made, the legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

Sec. 10. In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color.

Sec. 11. Neither the legislature nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools.

Sec. 12. No sectarian instruction, qualifications or tests shall be imparted, exacted, applied or in any manner tolerated in the schools of any grade or character controlled by the state, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this constitution.

Sec. 13. The governor, secretary of state, state treasurer, and superintendent of public instruction shall constitute the board of land commissioners, which, under direction of the legislature, as limited by this constitution, shall have direction, control, leasing and disposal of the lands of the state granted, or which may be hereafter granted for the support and benefit of public schools, subject to the further limitations that the sale of all lands shall be at public auction, after such delay (not less than the time fixed by congress) in portions at proper intervals of time, and at such minimum prices (not less than the minimum fixed by congress) as to realize the largest possible proceeds.

Sec. 14. The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.

THE UNIVERSITY.

Sec. 15. The establishment of the University of Wyoming is hereby confirmed, and said institution, with its several departments, is hereby declared to be the University of the State of Wyoming. All lands which have been heretofore granted or which may be granted hereafter by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations, or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress.

Sec. 16. The university shall be equally open to students of both sexes, irrespective of race or color, and, in order that the instruction furnished may be as nearly free as possible, any amount in addition to the income from its grants of lands and other sources above mentioned, necessary to its support and maintenance in a condition of full efficiency shall be raised by taxation or othewise, under provisions of the legislature.

Sec. 17. The legislature shall provide by law for the management of the university, its lands and other property by a board of trustees, consisting of not less than seven members, to be appointed by the governor by and with the advice and consent of the senate, and the president of the university, and the superintendent of public instrution, as members ex-officio, as such having the right to speak, but not to vote. The duties and powers of the trustees shall be prescribed by law.

CHARITABLE AND PENAL INSTITUTIONS.

Sec. 18. Such charitable, reformatory and penal institutions as the claims of humanity and the public good may require, shall be established and supported by the state in such manner as the legislature may prescribe. They shall be under the general supervision of a state board of charities and reform, whose duties and powers shall be prescribed by law.

Sec. 19. The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this constitution, become the property of the State of Wyoming, and such of said institutions as are then in actual operation, shall thereafter have the supervision of the board of charities and reform as provided in the last preceding section of this article, under provisions of the legislature.

PUBLIC HEALTH AND MORALS.

Sec. 20. As the health and morality of the people are essential to their well being, and to the peace and permanence of the state, it shall be the duty of the legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue, and such restrictions upon vice and immorality of every sort, as are deemed necessary to the public welfare.

PUBLIC BUILDINGS.

Sec. 21. All public buildings and other property belonging to the territory shall, upon the adoption of this constitution, become the property of the State of Wyoming.

Sec. 22. The construction, care and preservation of all public buildings of the state not under the control of the board of officers of public institutions by authority of law shall be entrusted to such officers or boards, and under such regulations as shall be prescribed by law.

Sec. 23. The legislature shall have no power to change or to locate the seat of government, the state university, insane asylum or state penitentiary, but may after the expiration of ten (10) years after the adoption of this constitution, provide by law for submitting the question of the permanent locations thereof, respectively, to the qualified electors of the state, at some general election, and a majority of all votes upon said question cast at said election, shall be necessary to determine the location thereof; but for said period of ten (10) years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the city of Cheyenne, in the county of Laramie. The state university shall be located at the city of Laramie, in the county of Albany. The insane asylum shall be located at the town of Evanston, in the county of Uinta. The penitentiary shall be located at the city of Rawlins, in the county of Carbon; but the legislature may provide by law that said penitentiary may be converted to other public uses. The legislature shall not locate any other public institutions except under general laws, and by vote of the people.

ARTICLE No. VIII.

Irrigation and Water Rights.

Section 1. The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the state, are hereby declared to be the property of the state.

Sec. 2. There shall be constituted a board of control, to be composed of the state engineer and superintendents of the water divisions; which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the state and of their appropriation, distribution and diversion, and of the various officers connected therewith. Its decisions to be subject to review by the courts of the state.

Sec. 3. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

Sec. 4. The legislature shall by law divide the state into four (4) water divisions, and provide for the appointment of superintendents thereof.

Sec. 5. There shall be a state engineer who shall be appointed by the governor of the state and confirmed by the senate; he shall hold his office for the term of six (6) years, or until his successor shall have been appointed and shall have qualified. He shall be president of the board of control and shall have general supervision of the waters of the state and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

ARTICLE No. IX.

MINES AND MINING.

Section 1. There shall be established and maintained the offce of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the governor shall, with the advice and consent of the senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years.

Sec. 2. The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this state.

Sec. 3. No boy under the age of fourteen years, and no woman or girl of any age shall be employed or be permitted to be in or about any coal, iron or other dangerous mines for the purpose of employment therein; provided, however, this provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

Sec. 4. For any injury to person or property caused by wilful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this state, whenever the death of a person shall be caused by wrongful act, neglect or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

Sec. 5. The legislature may provide that the science of mining and metallurgy be taught in one of the institutions of learing under the patronage of the state.

Sec. 6. There shall be a state geologist, who shall be appointed by the governor of the state, with the advice and consent of the senate. He shall hold his office for a term of six (6) years or until his successor shall have been appointed and shall have qualified. His duties and compensation shall be prescribed by law. No person shall be appointed to this position unless he has such theoretical knowledge and such practical experience and skill as shall fit him for the position; said state geologist shall ex-officio perform the duties of inspector of mines until otherwise provided by law.

ARTICLE No. X.

CORPORATIONS.

Section 1. The legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended or repealed by the legislature at any time when necessary for the public good and general welfare, and all corporations doing business in this state may as to such business be regulated, limited or restrained by law not in conflict with the constitution of the United States.

Sec. 2. All powers and franchises of corporations are derived from the people and are granted by their agent, the government, for the public good and general welfare, and the right and duty of the state to control and regulate them for these purposes is herby declared. The power, rights and privileges of any and all corporations may be forfeited by wilful neglect or abuse thereof. The police power of the state is supreme over all corporations as well as individuals.

Sec. 3. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which formed and which shall not have been maintained in good faith to the time of the adoption of this constitution shall thereafter have no validity.

Sec. 4. No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employe waiving any right to recover damages for causing the death or injury of any employe shall be void.

Sec. 5. No corporation organized under the laws of Wyoming Territory or any other jurisdiction than this state, shall be permitted to transact business in this state until it shall have accepted the constitution of this state and filed such acceptance in accordance with the laws thereof.

Sec. 6. No corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of incorporation.

Sec. 7. All corporations engaged in the transportation of persons, property, mineral oils, and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines and telephones, are declared to be common carriers.

Sec. 8. There shall be no consolidation or combination of corporations of any kinds whatever to prevent competition, to control or influence productions or prices thereof, or in any manner to interfere with the public good and general welfare.

Sec. 9. The right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Sec. 10. The legislature shall provide by suitable legislation for the organization of mutual and co-operative associations or corporations.

RAILROADS.

Section 1. Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this state and to connect at the state line with railroads of other states. Every railroad shall have the right with its road to intersect, connect with or cross any other railroad, and all railroads shall receive and transport each other's passengers, and tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 2. Railroad and telegraph lines heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways and common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, excepting employes and their families and ministers of the gospel,, whether individuals or corporations.

Sec. 3. Every railroad corporation or association operating a line of railroad within this state shall annually make a report to the auditor of the state of its business within the state, in such form as the legislature may prescribe.

Sec. 4. Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of property and franchises of incorporated companies and subjecting them to public use the same as property of individuals.

Sec. 5. Neither the state, nor any county, township, school district or municipality shall loan or give its credit or make donation to or in aid of any railroad or telegraph line; provided, that this section shall not apply to obligations of any county, city, township or school district, contracted prior to the adoption of this constitution.

Sec. 6. No railroad or other transportation company or telegraph company in existence upon the adoption of this constitution shall derive the benefit of any future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this constitution.

Sec. 7. Any association, corporation or lessee of the franchises thereof organized for the purpose shall have the right to construct and maintain lines of telegraph within the state, and to connect the same with other lines.

Sec. 8. No foreign railroad or telegraph line shall do any business within the state without having an agent or agents within each county through which such railroad or telegraph line shall be constructed upon whom process may be served.

Sec. 9. No railroad company shall construct or operate a railroad within four (4) miles of any existing town or city without providing a suitable depot or stopping place at the nearest practicable point for the convenience of said town or city, and stopping all trains doing local business at said stopping place. No railroad company shall deviate from the most direct practicable line in constructing a railroad for the purpose of avoiding the provisions of this section.

ARTICLE No. XI.

BOUNDARIES.

Section 1. The boundaries of the state of Wyoming shall be as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to placc of beginning.

ARTICLE No. XII.

COUNTY ORGANIZATION.

Section 1. The several counties in the territory of Wyoming as they shall exist at the time of the admission of said territory as a state, are hereby declared to be the counties of the state of Wyoming.

Sec. 2. The legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least three million of dollars of assessable valuation; and no new county shall be organized, nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

Sec. 3. The legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

Sec. 4. The legislature shall provide by general law for a system of township organization and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

Sec. 5. The legislature shall provide by law for the election of such county officers as may be necessary.

ARTICLE No. XIII.

MUNICIPAL CORPORATIONS.

Section 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four (4), and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters or the general laws of the territory may abandon such charter and reorganize under the general laws of the state.

Sec. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

Sec. 3. The legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts, so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law.

Sec. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

Sec. 5. Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

ARTICLE No. XIV.

SALARIES.

Section 1. All state, city, county, town and school officers, (excepting justices of the peace and constables in precincts having less than fifteen hundred population, and excepting court commissioners, boards of arbitration and notaries public) shall be paid fixed and definite salaries. The legislature shall, from time to time, fix the amount of such salaries as are not already fixed by this constitution, which shall in all cases be in proportion to the value of the services rendered and the duty performed.

Sec. 2. The legislature shall provide by law the fees which may be demanded by justices of the peace and constables in precincts having less than fifteen hundred population, and of court commissioners, boards of arbitration and notaries public, which fees the said officers shall accept as their full compensation. But all other state, county, city, town and school officers shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury when collected, and the officer whose duty it is to collect such fees shall be held responsible, under his bond, for neglect to collect the same; provided, that in addition to the salary of sheriff they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law.

Sec. 3. The salaries of county officers shall be fixed by law within the following limits, to-wit: In counties having an assessed valuation not exceeding two millions ($2,000,000) of dollars, the sheriff shall be paid not more than fifteen hundred dollars per year. The county clerk shall not be paid more than twelve hundred ($1,200) dollars per year. The county and prosecuting attorney shall not be paid more than twelve hundred ($1,200) dollars per year. The county treasurer shall not be paid more than one thousand ($1,000) dollars per year. The county assessor shall not be paid more than one thousand ($1,000) dollars per year. The county superintendent of schools shall not be paid more than five hundred ($500) dollars per year.

In counties having an assessed valuation of more than two millions ($2,000,000) of dollars and not exceeding five millions ($5,000,000) of dollars, the sheriff shall not be paid more than two thousand ($2,000) dollars per year. The county clerk shall not be paid more than eighteen $(1,800) dollars per year. The county treasurer shall not be paid more than eighteen hundred ($1,800) dollars per year. The county assessor shall not be paid more than twelve hundred ($1,200) dollars per year. The county and prosecuting attorney shall not be paid more than fifteen hundred ($1,500) dollars per year. The county superintendent of schools shall not be paid more than seven hundred and fifty ($750) dollars per year.

In counties having more than five millions ($5,000,000) dollars assessed valuation the sheriff shall not be paid more than two thousand ($2,000)dollars per year. The county clerk shall not be paid more than two thousand ($2,000) dollars per year. The county treasurer shall not be paid more than two thousand ($2,000) dollars per year. The county assessor shall not be paid more than fifteen hundred ($1,500) dollars per year. The county and prosecuting attorney shall not be paid more than twenty-five hundred ($2,500) dollars per year. The county superintendent of schools shall not be paid more than one thousand ($1,000) dollars per year. The county surveyor in each county shall receive not to exceed eight ($8.00) dollars per day, for each day actually engaged in the performance of the duties of his office.

Sec. 4. The legislature shall provide by general law for such deputies as the public necessities may require, and shall fix their compensation.

Sec. 5. Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by section 3 of this article, regardless of the title by which their offices may hereafter be designated.

Sec. 6. Whenever practicable the legislature may, and whenever the same can be done without detriment to the public service, shall consolidate offices in state, county and municipalities respectively, and whenever so consolidated, the duties of such additional office shall be performed under an ex-officio title.

ARTICLE No. XV.

TAXATION AND REVENUE.

Section 1. All lands and improvements thereon shall be listed for assessment, valued for taxation and assessed separately.

Sec. 2. All coal lands in the state from which coal is not being mined shall be listed for assessment, valued for taxation and assessed according to value.

Sec. 3. All mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil or other valuable deposit, is or may be produced, shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof, as may be prescribed by law; provided, that the product of all mines shall be taxed in proportion to the value thereof.

Sec. 4. For state revenue there shall be levied annually a tax not to exceed four mills on the dollar of the assessed valuation of the property in the state except for the support of state educational and charitable institutions, the payment of the state debt and the interest thereon.

Sec. 5. For county revenue there shall be levied annually a tax not to exceed twelve mills on the dollar for all purposes including general school tax, exclusive of state revenue, except for the payment of its public debt and the interest thereon. An additional tax of two dollars for each person between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school puropses.

Sec. 6. No incorporated city or town shall levy a tax to exceed eight mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

Sec. 7. All money belonging to the state, or to any county, city, town, village or other sub-division therein, except as herein otherwise provided, shall, whenever practicable, be deposited in a national bank or banks, or in a bank or banks incorporated under the laws of this state; provided that the bank or banks in which such money is deposited shall furnish security to be approved as provided by law, and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

Sec. 8. The making of profit, directly or indirectly, out of state, county, city, town or school district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 9. There shall be a state board, composed of the state auditor, treasurer and secretary of state.

Sec. 10. The duties of the state board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least ten (10) days before the day fixed for beginning assessments; to assess at their actual value the franchises, roadway, roadbed, rails and rolling stock and all other property used in the operation of all railroads and other common carriers, except machine shops, rolling mills and hotels in this state; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property; provided, that the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the state revenue and such other duties as may be prescribed by law.

Sec. 11. All property, except as in this constitution otherwise provided, shall be uniformly assessed for taxation, and the legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

Sec. 12. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for religious worship, church parsonages, public cemeteries, shall be exempt from taxation, and such other property as the legislature may by general law provide.

Sec. 13. No tax shall be levied, except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 14. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any county or other municipal corporation shall be a party.

ARTICLE No. XVI.

PUBLIC INDETEDNESS.

Section 1. The state of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the state, as shown by the last general assessment for taxation, preceding; except to suppress insurrection or to provide for the public defense.

Sec. 2. No debt in excess of the taxes for the current year, shall in any manner be created in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

Sec. 3. No county in the state of Wyoming shall in any manner create any indebtedness, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment, preceding; provided, however, that any county, city, town, village or other subdivision thereof in the state of Wyoming, may bond its public debt existing at the time of the adoption of this constitution, in any sum not exceeding four per centum on the assessed value of the taxable property in such county, city, town, village or other sub-division, as shown by the last general assessment for taxation.

Sec. 4. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any sub-division thereof in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

Sec. 5. No city, town or village, or any sub-division thereof, or any sub-division of any county of the state of Wyoming, shall, in any manner, create any indebtedness exceeding two per centum on the assessed value of the taxable property therein; provided, however, that any city, town or village may be authorized to create an additional indebtedness, not exceeding four per centum on the assessed value of the taxable property therein as shown by the last preceding general assessment, for the purpose of building sewerage therein. Debts contracted for supplying water to such city or town are excepted from the operation of this section.

Sec. 6. Neither the state nor any county, city, township, town, school district, or any other political sub-division, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation. The state shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

Sec. 7. No money shall be paid out of the state treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state, or any county or political sub-division, shall be audited, allowed or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

Sec. 8. No bond or evidence of indebtedness of the state shall be valid unless the same shall have endorsed thereon a certificate signed by the auditor and secretary of state that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political subdivision, shall be valid unless the same shall have endorsed thereon a certificate signed by the county auditor or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit.

ARTICLE No. XVII.

STATE MILITIA.

Section 1. The militia of the state shall consist of all able-bodied male citizens of the state, between the ages of eighteen and forty-five years; except such as are exempted by the law of the United States or the state. But all such citizens having scruples of conscience averse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

Sec. 2. The legislature shall provide by law for the enrollment, equipment and discipline of the militia to conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the legislature may provide.

Sec. 4. No military organization under the laws of the state shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

Sec. 5. The governor shall be commander-in-chief of all the military forces of the state, and shall have power to call out the militia to preserve the public peace, to execute the laws of the state, to suppress insurrection or repel invasion.

ARTICLE No. XVIII.

PUBLIC LANDS AND DONATIONS.

Section 1. The state of Wyoming hereby agrees to accept the grants of land heretofore made, or that may be hereafter made by the United States to the state, for educational purposes, for public buildings and institutions and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of congress, making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than $10 per acre; provided, that in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If, at any time hereafter, the United States shall grant any arid lands in the state to the state, on the condition that the state reclaim and dispose of them to actual settlers, the legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

Sec. 2. The proceeds from the sale and rental of all lands and other property donated, granted or received, or that may hereafter be donated, granted or received, from the United States or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gift.

Sec. 3. The governor, superintendent of public instruction and secretary of state, shall constitute a board of land commissioners who, under such regulations as may be provided by law, shall have the direction, control, disposition and care of all lands that have been heretofore or may hereafter be granted to the state.

Sec. 4. The legislature shall enact the necessary laws for the sale, disposal, leasing or care of all lands that have been or may hereafter be granted to the state, and shall, at the earliest practicable period, provide by law for the location and selection of all lands that have been or may hereafter be granted by congress to the state, and shall pass laws for the suitable keeping, transfer and disbursement of the land grant funds, and shall require of all officers charged with the same of the safe keeping thereof to give ample bonds for all moneys and funds received by them.

Sec. 5. Except a preference right to buy as in this constitution otherwise provided, no law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any of the school lands granted to the state subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished directly or indirectly.

Sec. 6. If any portion of the interest or income of the perpetual school fund be not expended during any year, said portion shall be added to and become a part of the said school fund.

ARTICLE No. XIX.

MISCELLANEOUS.

LIVE STOCK.

Section 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleuro-pneumonia, glanders, splenetic or Texas fever, and other infectious or contagious diseases. The legislature shall also establish a system of quarantine, or inspection, and such other regulations as may be necessary for the protection of stock owners, and most conducive to the stock interests within the state.

CONCERNING LABOR.

Section 1. Eight (8) hours actual work shall constitute a lawful day's work in all mines, and on all state and municipal works.

LABOR ON PUBLIC WORKS.

Section. 1. No person not a citizen of the United States or who has not declared his intention to become such, shall be employed upon or in connection with any state, county or municipal works or employment.

Sec. 2. The legislature shall, by appropriate legislation, see that the provisions of the foregoing section are enforced.

BOARDS OF ARBITRATION.

Section 1. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.

POLICE POWERS.

Section 1. No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this state, for the suppression of domestic violence, except upon the application of the legislature, or executive, when the legislature cannot be convened.

LABOR CONTRACTS.

Section 1. It shall be unlawful for any person, company or corporation, to require its servants or employes as a condition of their employment, or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility, on account of personal injuries received by such servants or employes, while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

ARBITRATION.

Section 1. The legislature may provide by law for the voluntary submission of differences to arbitrators for determination, and said arbitrators shall have such powers and duties as may be prescribed by law, but they shall have no power to render judgment to be obligatory on parties, unless they voluntarily submit their matters of difference and agree to abide by the judgment of such arbitrators.

HOMESTEADS.

Section 1. A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon.

ARTICLE No. XX.

AMENDMENTS.

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the state at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the legislature.

Sec. 4. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE No. XXI.

SCHEDULE.

Section 1. That no inconvenience may arise from a change of the territorial government to a permanent state government, it is declared that all writs, actions, prosecutions, claims, liabilities and obligations against the territory of Wyoming, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the territory of Wyoming, shall be as valid as if issued in the name of the state.

Sec. 2. All property, real and personal, and all moneys, credits, claims and choses in action, belonging to the territory of Wyoming, at the time of the adoption of this constitution, shall be vested in and become the property of the state of Wyoming.

Sec. 3. All laws now in force in the territory of Wyoming, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

Sec. 4. All fines, penalties, forfeitures and escheats, accruing to the territory of Wyoming, shall accrue to the use of the state.

Sec. 5. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this constitution shall remain valid, and shall pass over to and may be prosecuted in the name of the state, and all bonds, obligations or other undertakings executed to this territory, or to any officer in his official capacity, shall pass over to the proper state authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the state.

Sec. 6. All officers, civil and military, holding their offices and appointments in this territory, under the authority of the United States or under the authority of this territory, shall continue to hold and exercise their respective offices and appointments until suspended under this constitution.

Sec. 7. This constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this territory, at an election to be held on the first Tuesday in November, A. D., 1889. Said election, as nearly as may be, shall be conducted in all respects in the same manner as provided by the laws of the territory for general elections, and the returns thereof shall be made to the secretary of said territory, who with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the president of the United States, together with a statement of the votes cast thereon and a copy of said constitution, articles, propositions and ordinances. At the said election the ballots shall be in the following form: "For the constitution—Yes. No." And as a heading to each of said ballots, shall be printed on each ballot the following instructions to voters: "All persons who desire to vote for the constitution may erase the word 'No.' All persons who desire to vote against the constitution may erase the word 'Yes.'" Any person may have printed or written on his ballot only the words: "For the Constitution," or "Against the Constitution," and such ballots shall be counted for or against the constitution accordingly.

Sec. 8. This constitution shall take effect and be in full force immediately upon the admission of the territory as a state.

Sec. 9. Immediately upon the admission of the territory as a state, the governor of the territory, or in case of his absence or failure to act, the secretary of the territory' or in case of his absence or failure to act, the president of this convention shall issue a proclamation, which shall be published and a copy therof mailed to the chairman of the board of county commissioners of each county, calling an election by the people for all state, district and other officers, created and made elective by this constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation nor more than ninety days after the admission of the territory as a state.

Sec. 10. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the territory in cases of general elections for delegate to congress, and county and other officers. Every qualified elector of the territory at the date of said election shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the territory for general elections, and the returns thereof shall be made to the canvassing board hereinafter provided for.

Sec. 11. The governor, secretary of the territory and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for member of congress, all state and district officers and members of the legislature. The said board shall assemble at the seat of government of the territory on the thirtieth day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all state and district officers and members of the legislature, in the manner provided by the laws of the territory for canvassing the vote for delegate to congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the secretary of the territory an abstract certified by them of the number of votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

Sec. 12. All officers elected at such election, except members of the legislature shall, within thirty days after they have been declared elected, take the oath required by this constitution, and give the same bond required by the law of the territory or district, and shall thereupon enter upon the duties of thteir respective offices; but the legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

Sec. 13. The governor elect of the state, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the state at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the legislature, both houses of the legislature, in joint session, shall then and there proceed to elect, as provided by law, two senators of the United States for the state of Wyoming. At said election the two persons who shall receive the majority of all the votes cast by said senators and representatives shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house shall issue a certificate to each of said senators certifying his election, which certificate shall also be signed by the governor and attested by the secretary of state.

Sec. 14. The legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

Sec. 15. Whenever any two of the judges of the supreme court of the state, elected under the provisions of this constitution, shall have qualified in their offices, the causes then pending in the supreme court of the territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state; and until so superceded the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction, as if this constitution had not been adopted. Whenever the judge of the district court of any district, elected under the provisions of this constitution, shall have qualified in office, the several causes then pending in the district court of the territory, within any county in such district, and the records, papers and proceedings of said district court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the state for such county; and until the district courts of this territory shall be superceded in the manner aforesaid the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory.

Sec. 16. Uutil otherwise provided by law the seals now in use in the supreme and district courts of this territory are hereby declared to be the seals of the supreme and districts courts respectively, of the state.

Sec. 17. Whenever this constitution shall go into effect, records and papers and proceedings of the probate court in each county, and all causes and matters of administration and other maters pending therein, shall pass into the jurisdiction and possession of the district court of the same county, and the said district court shall proceed to final decree or judgment order or other determination in the said several matters and causes, as the said probate court might have done if this constitution had not been adopted.

Sec. 18. Senators and members of the house of representatives shall be chosen by the qualified electors of the several senatorial and representative districts as established in this constitution, until such districts shall be changed by law, and thereafter by the qualified electors of the several districts as the same shall be established by law.

Sec. 19. All county and precinct officers who may be in office at the time of the adoption of this constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and quailfied, as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted.

Sec. 20. Members of the legislature and all state officers, district and supreme judges elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

Sec. 21. If the first session of the legislature under this constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

Sec. 22. The first regular election that would otherwise occur following the first session of the legislature, shall be omitted, and all county and precinct officers elected at the first election held under this constitution shall hold their office for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

Sec. 23. This convention does hereby declare on behalf of the people of the territory of Wyoming, that this constitution has been prepared and submitted to the people of the territory of Wyoming for their adoption or rejection, with no purpose of setting up or organizing a state government until such time as the congress of the United States shall enact a law for the admission of the territory of Wyoming as a state under its provisions.

ORDINANCES.

The following article shall be irrevocable without the consent of the United States and the people of this state:

Section 1. The State of Wyoming is an inseparable part of the Federal Union and the constitution of the United States is the supreme law of the land.

Sec. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worchip.

Sec. 3. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States and that said Indian lands shall remain under the absolute jursidiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by this state on lands or property therein, belonging to, or which may hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this state from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of congress granting the same.

Sec. 4. All debts and liabilities of the territory of Wyoming shall be assumed and paid by this state.

Sec. 5. The legislature shall make laws for the establishment and maintenance of systems of public schools which shall be open to all the children of the state and free from sectarian control.

Done in open convention, at the City of Cheyenne, in the Territory of Wyoming, this 30th day of September in the year our Lord one thousand eight hundred and eighty-nine.

Attest:
JOHN K. JEFFREY,
Secretary.

MELVILLE C. BROWN, President.
JOHN K. JEFFREY, Sesretary.
GEO. W. BAXTER.
A. C. CAMPBELL.
J. A. CASEBEER.
C. D. CLARK.
HENRY A. COFFEEN.
ASBURY B. CONAWAY.
HENRY S. ELLIOTT.
MORTIMER N. GRANT.
HENRY G. HAY.
FREDERICK H. HARVEY.
MARK HOPKINS.
JOHN W. HOYT.
WM. C. IRVINE.
JAMES A. JOHNSTON.
JESSE KNIGHT.
ELLIOTT S. N. MORGAN.

EDWARD J. MORRIS.
JOHN M. McCANDLISH.
HERMAN F. MENOUGH.
CALEB P. ORGAN.
LOUIS J. PALMER.
C. W. HOLDEN.
H. G. NICKERSON.
A. L. SUTHERLAND.
W. E. CHAPLIN.
JONATHAN JONES.
JOHN L. RUSSELL.
GEO. W. FOX.
FRANK M. FOOTE.
CHAS. H. BURRITT.
CHAS. N. POTTER.
D. A. PRESTON.
JOHN A. RINER.
GEO. C. SMITH.
H. E. TESCHEMACHER.
C. L. VAGNER.
THOS. R. REED.
ROBERT C. BUTLER.
C. W. BURDICK.
DE FORREST RICHARDS.
MEYER FRANK.
M. C. BARROW.
RICHARD H. SCOTT.

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TO

JOURNAL AND DEBATES

OF THE

CONSTITUTIONAL CONVENTION

OF

WYOMING.

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GRANT, MORTIMER N., Member from Albany.
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HARVEY, FREDERICK H., Member from Converse.
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HAY, HENRY G., Member from Laramie.
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HOLDEN, C. W., Member from Uinta.
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HOPKINS, MARK, Member from Sweetwater.
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HOYT, JOHN W., Member from Albany.
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MENOUGH, HERMAN F., Member from Sweetwater.

McCANDLISH, JOHN M., Member from Johnson.
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'Cheyenne, Sept. 24, 1889.

'Mr. President:

'Your Committee No. 18 present herewith an article headed 'schedule' and recommend that the matters therein contained be embodied in the constitution.' "